

PURPOSE

This Code of Practice (policy) outlines the principles that council staff will consider to determine the establishment, operation and management of CCTV in public places.

POLICY INTENT

The main objectives of this policy are to;

1. Help secure a safer environment and protect the community and property from crime
2. Assist in reducing personal and property crime levels by deterring potential offenders;
3. Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or in progress;
4. Assist in the detection and prosecution of offenders and;
5. Assist with crowd control for public events.

WOLLONGONG 2032 Objectives

This policy aligns to Goal 5 of our Community Strategic Plan, *"We have a healthy community in a liveable city"* and in particular the objective that suburbs and places are liveable and safe. This policy relates to Community Strategic Plan 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community, 5.10, Partnerships continue to strengthen and achieve a safe accessible and resilient community and 5.11 Local crime continues to be prevented and levels of crime reduced.

1 INTRODUCTION

Closed Circuit Television (CCTV) has increasingly featured in the community as a safety and crime prevention tool. CCTV can be effective in improving perceptions of safety, deterring antisocial and criminal behaviour, protecting assets and assisting in prosecution.

This CCTV Code of Practice (policy) is to be applied to the management of the CCTV system used across the entirety of the Wollongong Local Government Area (LGA). The CCTV system consists of cameras monitors, control panels, intelligent video software, video recording systems and supporting infrastructure.

Wollongong City Council's CCTV system is part of a layered security response that Council utilises with an aim to reduce crime. Other strategies include activating public space, appropriate lighting, natural surveillance, access control and signage.

Temporary CCTV cameras differ from Council's other CCTV cameras only in that they can be rapidly deployed to and from locations in order to prevent and reduce crime and anti-social behaviour in public space. Temporary CCTV cameras are included in Council's CCTV Program and are covered by Council's CCTV Code of Practice.

It is acknowledged that CCTV cameras installed in public place locations and as part of Council infrastructure may also capture Council staff performing work tasks. The CCTV Program, the subject of this Code of Practice, is not designed to intentionally provide workplace surveillance. Where the purpose is to provide workplace surveillance and/or a record of accidents or other non-crime incidents, Council's Surveillance of Employees Policy must be complied with.

This Code applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.

This Code does not apply to:

- a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;
- b) mobile cameras including dash cams, safety cams (e.g. on community buses), web cams, drone footage and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- c) Cameras capturing still images for the purposes of regulatory compliance e.g. on the weighbridge at Whyte's Gully;
- d) cameras attached to Council's garbage trucks for operational purposes
- e) where CCTV cameras are used for condition reporting for assets and;
- f) CCTV cameras operated for the purposes of Illegal Dumping Surveillance
- g) cameras used as smart sensors for the purpose of collecting data for business intelligence analytics e.g. for traffic flow monitoring or crowd density estimations etc.

Although CCTV systems installed by a community-based organisation who lease Council facilities are outside the scope of this Code, these systems will need approval from Council prior to installation. Council staff will consider how the proposed system aligns with the principles (below) prior to approving such a system. If approved, the system will be owned and operated by the organisation in accordance with appropriate legislation and guidelines.

Nothing in this policy authorises or permits in any way the use of facial recognition or any form of biometric technology. As a consequence, Council CCTV (or related technology) cannot incorporate or deploy such recognition or biometric technology.

2 KEY PRINCIPLES

Council staff will consider and determine the establishment, operation and management of CCTV in public places by Council, in accordance with applicable guiding principles as required, such as those outlined in the NSW Government CCTV Guidelines.

1. Council staff will ensure that where CCTV is established, operated and managed for crime prevention and community safety purposes, that the implementation of CCTV will be part of an integrated, multi-agency approach to crime control and community safety.

CCTV will only be considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and that prior to installation, a safety and security audit will be completed. The audit will consider:

- Whether the problem is on-going or the result of a one-off event;
- Whether the perception of crime is supported by evidence and data;
- How the establishment, operation and management of CCTV fits within a broader crime prevention strategy;
- Evidence as to the effectiveness of CCTV in addressing the identified crime;
- The lawfulness of the collection of personal information via CCTV; and
- The costs associated with establishing, operating and managing the CCTV

2. Council staff will ensure that the ownership of public area CCTV system is clear and publicly known.
 - Council staff will erect signs informing the public of the existence of CCTV in a public place and will take steps to ensure that the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*.

Furthermore, Council staff will maintain a public register of all of its CCTV systems and their locations.

3. When considering establishing or significantly expanding a public area CCTV system, Council staff will ensure that the relevant concerns of all parties affected are considered through an effective consultation process. People or groups that may be affected by the proposal could include:
 - Residents;
 - Users of the public place;
 - Local businesses;
 - Police and other regulatory authorities; and
 - Council staff.

Information available through the consultation process will include the potential benefits of the system, possible costs involved, and privacy implications, including people's rights and Council's responsibilities. Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005* and ensure that staff are given due notice prior to the installation of a system.

4. Council staff will identify the purpose and will develop and document objectives for the establishment, operation and management of CCTV in a public place. CCTV will only be used in accordance with its established objectives and not for any other purpose. Objectives may include:
 - To assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
 - Improving public confidence in the safety and security of public places;
 - To deter anti-social behaviours in high risk public places;
 - To assist with the safety of Council staff or authorised contractors within public places;
 - To assist with the management/operations or maintenance of public places, or monitoring their use; or
 - Identifying potential environmental safety risks.
5. Where CCTV is established in a public place for crime prevention purposes, Council staff will consult with NSW Police to ensure that the installation of CCTV fits within a broader crime prevention strategy and will meet its objectives. NSW Police have viewing access to Council's CCTV facilities under an agreed Memorandum of Understanding.
6. Council staff will ensure that its CCTV systems are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including that:
 - The recording and retention of images is undertaken lawfully;
 - The purpose for which the information is being obtained is known;
 - The information is not used for any purpose other than that stated;
 - People are made aware that they may be subject to CCTV surveillance; and
 - The owners of the system are known and accountable for its operation
7. Council staff will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives.

The evaluation framework will provide guidance on appropriate mechanisms to enable Council staff to

assess whether the CCTV system is:

- Achieving its objectives (including an assessment of its impact upon crime and community safety, for those systems implemented for crime prevention or community safety purposes);
 - Being used in accordance with its established objectives, and not for any other purpose;
 - Impacting on any groups;
 - Providing an overall benefit (after consideration of the costs involved in operating the system); and
 - Requires changes to the extent or location of the cameras, or technology utilised.
8. Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes (in person at Council's Customer Service Centre, or via phone, letter or email).
- Complaints, except for those specified below, will be managed in accordance with Council's *Customer Feedback Handling Policy*.
- Complaints in relation to Council's handling of a person's personal information may be made and will be managed in accordance with Council's *Privacy Management Plan*.
- Complaints in relation to Council's handling of a person's personal information may also be made to the NSW Information and Privacy Commissioner.
9. Council staff will review its CCTV systems every two (2) years to assess compliance with this Code and any associated management policies and standard operating procedures. The review will examine such matters as:
- Assessment of the system and any technological problems;
 - Processes used to receive, access and process footage requests;
 - Complaints received and responses provided;
 - Compliance with relevant legislation, regulations and Australian Standards; and
 - Whether the systems and processes utilized remain good practice.

LEGISLATIVE REQUIREMENTS

The policy reflects, relevant laws and standards including;

- *NSW Privacy and Personal Information Protection Act 1998*
- *NSW Privacy and Personal Information Protection Regulation 2019*
- *NSW Workplace Surveillance Act 2005*
- *Security Industry Act 1997 No. 157 (NSW)*
- NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places Standards Australia (2006) Closed Circuit television (CCTV) Part 1 Management and operation (AS 4806.1 – 2006)
- Standards Australia (2006) Closed Circuit television (CCTV) Part 2 Application guidelines (AS 4806.2 – 2006)

REVIEW

This Policy will be reviewed every four (4) years or more frequent if significant legislative changes occur, or upon any changes to the *NSW Government CCTV Guidelines*.

The review will consider the results of the audits of Council's CCTV systems, to ensure that this Code is effective and has been implemented appropriately.

REPORTING

There are no reporting requirements under this Code of Practice.

RELATED PROCEDURES

Standard Operating Procedures

CCTV Management Policy

Privacy Management Plan

Customer Feedback Handling Policy

DEFINITIONS

Closed Circuit Television System (CCTV) - A private television system involving one or more cameras, used to transmit images to a specific limited number of monitors on the same network or circuit

Public Places - Land and/or facilities that are owned, operated, or in the care of Council and which are considered by Council to be freely accessible to members of the public. Such areas may be defined by relevant legislation. Examples of public places, for the purposes of this Code, include Council's Customer Service Centre, libraries, parks, playgrounds, community centres, sporting fields, swimming pools, streets, footpaths

APPROVAL AND REVIEW	
Responsible Division	Information Management and Technology
Date adopted by Council	28 November 2022
Date/s of previous adoptions	10/12/2118 17/07/2017, 27/06/2016, 27/10/2011, 11/2006, 8/04/2013
Date of next review	November 2024