The District Council of Ceduna **POLICY**	**CLOSED CIRCUIT TELEVISION (CCTV) POLICY**	Policy #	2.7 / 1
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Legislation:	Australian Standard 4806.1 – 2006 Closed Circuit Television (CCTV), Freedom of Information Act 1991 (SA), General Disposal Schedule 40 v1, Local Government Act 1999 (SA), State Records Act 1997 (SA), Surveillance Devices Act 2016 (SA)		
Relevant Policies:	Policy & Procedure Development & Review, Complaint Handling Policy, Employee Behavioural Standards		
Related Procedures:	Complaint Handling Procedure		
Responsible Officer:	General Manager Corporate, People & Compliance		
Adopted:	13/7/2023		

1. Purpose

This Policy guides the operation, management and regulation of Closed Circuit Television (CCTV) and Security Cameras of the District Council of Ceduna ('the Council").

The primary purposes for utilising CCTV and Security Camera systems are to:

(a) protect the Council's physical assets from theft and damage;

(b) ensure the security and safety of Council staff and members of the community;

(c) discourage the incidence of unlawful activity and enhance the opportunity to investigate and apprehend offenders.

2. Objectives

This Policy addresses the intended purpose of CCTV and Security Cameras, public notification, information management and access of recordings. Council values the safety and security of Elected Members, customers, volunteers, contractors, staff and physical assets. The Council takes a proactive, problem solving approach, toward crime reduction and community safety and is committed to providing and undertaking measures to minimise risks.

The policy applies to all Council owned or operated CCTV systems, whether fixed or portable, located in Council owned and managed facilities and/or in public places under the care and control of Council.

The Council supports the use of CCTV and Security Cameras in public areas where such systems will further the following aims:

- reducing personal and property crime;
- enhancing community well-being, including reducing the fear of crime;
- provide a workplace environment that is healthy and safe;
- deter undesirable behaviour;
- detecting and deterring offences from being committed;
- assisting SAPOL and other relevant agencies with an investigative capability

Council acknowledges the desire of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance but Council also recognises that there are particular circumstances when the judicious oversight of those facilities is justified. In those circumstances, Council has decided in the interests of public safety and the protection of its facilities, to utilise CCTV systems as one of the means to provide that safety and protection.

3. Definitions

For the purpose of this Policy:

CEO – Chief Executive Officer of the District Council of Ceduna.

Closed Circuit Television (CCTV) - A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor and/or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure and may be fixed or portable, and include corporate CCTV security systems and public realm CCTV.

Community Safety CCTV – A program that rotates temporary portable CCTV units across the Council targeting anti-social behaviour, hoon driving, illegal rubbish dumping, vandalism, and graffiti crime. The program aims to provide a safer environment and improve perceptions of safety by deterring potential offenders and helping police with crime detection.

Fixed and Corporate CCTV Systems - Council installed CCTV systems typically installed in publicly accessible areas, such as public streets, reserves, and municipal buildings.

Freedom of Information (FOI) Officer – Under the Freedom of Information Act 1991 (SA) means —

(a) the principal officer of the agency; or

(b) an officer of the agency who—

(i) has completed training of a type approved by the Minister for an accredited FOI officer; and

(ii) has been designated by the principal officer of the agency as an accredited FOI officer of the agency.

Official Record - In accordance with the State Records Act 1997 (SA) an official record means a record made or received by an agency in the conduct of its business, but does not include a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or

- a record made by an agency as a draft only and not for further use or reference; or
- a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or
- a Commonwealth record as defined by the Archives Act 1983 of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- a record that has been transferred to the Commonwealth.

Record means:

- written, graphic or pictorial matter; or
- a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).

Optical Surveillance Device – In accordance with the Surveillance Devices Act 2016 (SA) an 'optical surveillance device' is:

- a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place or activity; and
- associated equipment (if any).

Public Place – In accordance with the Surveillance Devices Act 2016 (SA) a 'public place' is defined as including:

- a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and
- a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and
- a road, street, footway, court, alley or thoroughfare which the public are allowed to use, even though that road, street, footway, court, alley or thoroughfare is on private property.

Private Activity - In accordance with the Surveillance Devices Act 2016 (SA), private activity means an activity carried on by one (1) or more persons in circumstances that may reasonably be taken to indicate that the person, or another party involved, does not desire the activity to be observed by any other person, but does not include -

- an activity carried on in a public place; or
- an activity carried on or in premises or a vehicle if the activity can be readily observed from a public place; or
- an activity carried on in any other circumstances in which the person ought reasonably to expect that it may be observed by some other person, who is not a party to the activity.

Special circumstances CCTV systems – CCTV that is deployed on a temporary basis to address a specific community safety issue or criminal offending incident. Special circumstances CCTV may be fixed or portable and may, at times, be covert in nature.

4. Legislative Requirements

The legislation relevant to this Policy includes:

Australian Standard 4806.1 – 2006 Closed Circuit Television (CCTV)

Freedom of Information Act 1991 (SA)

General Disposal Schedule 40 v1

Local Government Act 1999 (SA)

State Records Act 1997 (SA)

Surveillance Devices Act 2016 (SA)

The use of CCTV in the public realm for reasons of monitoring safety and security is predominantly governed in South Australia by the Surveillance Devices Act 2016 (SA). The Act prohibits the installation and/or use of optical surveillance devices to record or observe the carrying on of a private activity, without the express or implied consent of each party to the activity.

However, the provisions of the Act do not apply to activity occurring in public places, and thereby there are limited applications to Council's CCTV system, which operate within public facilities and the public realm.

In relation to the Council's obligations to retain the images and data captured by its CCTV system, any recording from CCTV will be classified as an 'official record' for the purposes of the State Records Act 1997 (SA).

Council is required to store and dispose of the data, in accordance with its obligations under that Act, and General Disposal Schedule 40 v1 (GDS 40).

Clause 105.3 of GDS 40 in relation to Security and Crime Prevention provides that recordings of audio-visual surveillance (CCTV) has 'temporary' status, meaning that is required to be retained for a minimum of 31 days, then destroyed. This retention period needs to be considered on a case by case basis and in light of any investigation or legal proceeding, actual or potential, which may have an impact on Council's obligations to retain the images for a longer period.

5. Policy Statements

This policy provides guidance in relation to Council's CCTV systems, inclusive of:

- Council fixed and corporate CCTV systems located in Council facilities;
- Public realm fixed or portable CCTV systems;
- Special circumstances CCTV systems; and
- Council's Community Safety CCTV.

The policy provides a framework for ensuring that Council's CCTV systems are managed in accordance with relevant legislation, and with due consideration to balancing the privacy concerns of members of the public with the overall aim of improving community safety and security.

The intention of this policy is to:

- Assist with creating a safe environment for Council's residents, visitors, staff and volunteers, and to protect the Council's assets and environment;
- Guide Council's decisions about the introduction and ongoing management of CCTV and Council owned and/or managed property; and
- Ensure that Council CCTV systems and approaches are compliant with relevant legislation and other statutory requirements.

The following principles guide this policy:

- That utilising and integrating a range of appropriate approaches to community safety, security and crime prevention, such as through good environmental design, the application of Crime Prevention Through Environmental Design (CPTED) principles, lighting, place making, place activation and social development is prioritised;
- That Council owned and/or managed CCTV systems will operate within applicable law, and only for the purpose for which they are established;
- That a high standard of system management, including the maintenance, handling of, and access to CCTV footage, is supported;
- That CCTV systems are managed in line with good asset management principles; and
- That the CCTV policy will operate with due regard to the privacy and human rights of individual members of the public.

Access to CCTV Footage

CCTV data collected in accordance with this policy is not collected for the purpose of public access to the data.

In relation to access of CCTV images by third parties, Council is required to facilitate access to the images obtained by its CCTV system for SAPOL, as well as to any other statutory body or entity that has the power to require that the Council provide information.

This may include, but is not limited to, the Ombudsman, the Independent Commissioner Against Corruption, or for the purposes of Royal Commission or other statutory inquiry. In accordance with the Freedom of Information Act 1991 (SA), such agencies are classified as 'exempt agencies'.

All other persons or agencies, who do not otherwise have the power to require that Council provide access to the images, will be required to make application under the Freedom of Information Act 1991 (SA) to access CCTV footage, which will be assessed and determined under that statutory regime as follows:

Members of the Public

Members of the public can apply under the Freedom of Information Act (1991) (SA) to view any official records kept by Council. Any application received under the Freedom of Information Act (1991) (SA) must be determined by an accredited Freedom of Information Officer. If the application is approved, a member of the public may then view the footage at the Council office or obtain a copy of the requested footage within a timeframe that is both reasonable and appropriate. If viewing at the Council office, an accredited FOI Officer or a staff member authorised by the CEO will be present at all times to operate the viewing equipment.

Media

Council views the rights of the media to gain access to footage to be the same as for a member of the public. That is, an application will need to be made under the Freedom of Information Act (1991) (SA) and the provisions of that Act will apply.

Elected Members

Any request made by an elected member to access the images and data captured by Council's CCTV system, must be made in writing to the CEO and accompanied by an explanation as to the basis upon which the information is required, in connection with the performance or discharge of the functions or duties of the member.

South Australian Police (SAPOL)

Council has provided direct access to Council's CCTV network for the purposes of monitoring public safety, anti-social behaviour, and investigating possible criminal activity. SAPOL are able to download footage within the Ceduna Police Station.

In the event that access to the CCTV footage is requested by SAPOL to Council for the purpose of investigating possible criminal activity, Council will provide access to, or a copy of, the footage as requested as soon as practicable after receiving the request.

Staff and Other Access to Recordings

Access to CCTV footage shall be restricted to Council's Senior Management Team, authorised Council staff, FOI Officer, any external person conducting an internal investigation / audit as approved by an authorised member of Council staff, and councils contracted system maintenance provider. A record of staff authorised to view CTV data will be kept.

Any requests from staff access to visual recordings for the administrative purposes identified in this Policy must be directed to the General Manager Corporate, People & Compliance or such other officers as the CEO has specified.

Officers responsible for the management of systems containing visual recordings must not, at any time, give access to staff unless directed by the General Manager Corporate, People & Compliance or such other officers as delegated by the CEO.

6. Public Notification

CCTV and Security Cameras will be installed by qualified technicians in accordance with appropriate Australian Standards and placed in visible locations.

7. Privacy & Confidentiality

Council will remain compliant with the privacy provisions in the Freedom of Information Act 1991 and the Surveillances Devices Act 2016 as well as any privacy legislation applicable to Local Government.

As a general rule, Council will not make use of information collected in the conduct of its business for purposes other than those for which that information was collected.

All persons involved in the operation of any CCTV systems are to exercise extreme care to prevent improper disclosure of recorded or live camera vision.

Council will not tolerate any employee breeching the confidentiality of any person or persons recorded by the CCTV systems. This applies regardless of whether those persons were conducting themselves lawfully or if their actions warrant the consideration of SAPOL and due legal process.

If an employee is found to have breached confidentiality, they will be found accountable under their respective Behavioural Standards and be investigated accordingly.

8. Complaints Handling

Any person who has any concerns regarding how the Council handles personal information, or requires further information, should contact the customer service staff at Council in the first instance.

If customer service staff cannot satisfy the residents and/or ratepayers concerns, the person may lodge a formal complaint as per Council's Complaint Handling Policy.

9. Review and Authority

This Policy will be reviewed within 12 months of a Council general election, and thereafter as necessary, or earlier in the event of changes to legislation or related Policies and Procedures and or if deemed necessary by Council.

10. Availability

This Policy is available to be downloaded, free of charge, from Council's website www.ceduna.sa.gov.au , or

The Policy will be available for inspection without charge at Council's Administration Office during ordinary business hours, and or a copy may be purchased at a fee as set annually by Council.

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