



CCTV and Body Worn Video Camera (BWVC) Policy

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1. INTRODUCTION

- 1.1.1 Bellingen Shire Council (the Council) is committed to ensuring safety for all people who live in, work in or visit the Bellingen Local Government Area (LGA).
- 1.1.2 The Bellingen Shire Council CCTV & BWVC Policy (the policy) has been developed in accordance with the provisions of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Spaces ("the Guidelines").

The Guidelines were developed to support councils and others who implement CCTV in public spaces to ensure compliance with relevant legislation including the Local Government Act 1993, the Privacy and Personal Information Protection Act 1998 and the Workplace Surveillance Act 2005.

2. POLICY FRAMEWORK

2.1 CCTV & BWVC Program Aim

The CCTV & BWVC Program (the Program) aims to protect people and property, reduce the opportunity for crime and enhance perceptions of safety within the Bellingen LGA.

2.2 Legislation and Guidelines

- 2.2.1 This policy is based upon relevant legislation and accompanying guidelines for the establishment and monitoring of CCTV systems in public places. These include the:
- *Australian Standard AS 4806.1-2006: Closed circuit television (CCTV);*
 - *Government Information (Public Access) Act 2009;*
 - *Local Government Act 1993;*
 - *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (2000);*
 - *Privacy and Personal Information Protection Act 1998.*
 - *State Records Act 1998;*
 - *Workplace Surveillance Act 2005.*
 - *Evidence (audio and audio visual links) Act 1998*
 - *Evidence Act 1995*
 - *Interpretation Act 1987*

2.3 Legislative Requirements for Body Worn Video Cameras

- 2.3.1 Data collected with BWVCs will also support approved officers in the administration and enforcement of Acts, regulations or local laws which relate to the function and powers of the Council.
- 2.3.2 Data collected with BWVCs will most likely contain personal information about individuals. The Surveillance Devices Act 2007 and the Privacy and Personal Information Protection Act 1998



govern the use of optical and listening devices and the storage and accessibility of footage that captures persons in the public realm and forms the basis of this policy.

- 2.3.3 This policy is supported by confidential Operating Procedures (OPs) for the effective management, operation and monitoring of the Program.

2.4 Guiding Principles

The policy is based on the following guiding principles:

- 2.4.1 The Program will be operated fairly and transparently, within applicable legislative requirements and only for the purposes for which it is established, or which are subsequently agreed to in accordance with this policy.
- 2.4.2 The Program will be used to identify criminal activity and investigate workplace misconduct occurring within the area covered by the Program.
- 2.4.3 The Program will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to political expression and assembly.
- 2.4.4 Regular review and evaluation of the Program will be undertaken to identify whether its aims and objectives are being achieved.
- 2.4.5 Information recorded will not exceed what is necessary to fulfil the purposes of the Program. Information will be obtained fairly, lawfully and in accordance with the privacy and confidentiality provisions of this policy and relevant legislation.
- 2.4.6 In the interest of privacy and confidentiality, access to the CCTV monitoring equipment and BWVC footage shall be restricted to authorised members of Council staff. The equipment will be protected from unauthorised access.
- 2.4.7 The retention of, and access to recorded material will be only for the purposes provided by this policy. Recorded material will be retained for a period of 30 days (recording cycle) unless required in relation to the investigation of crime or for court proceedings.
- 2.4.8 Formal operating procedures (OPs) will be developed to ensure compliance with this policy, legislation, and relevant guidelines.

2.5 Confidentiality

Council will ensure the confidentiality and security of all images captured by CCTV/BWVC will be protected by ensuring that under no circumstances:

- (a) Will any information related to images captured by CCTV/BWVC to be disclosed to a third party unless authorised by Council;
- (b) Will any information relating to the technical operation of the CCTV system and BWVCs, including the OPs or maintenance procedures, be disclosed to any unauthorised person.

2.6 Breaches of this Policy and Operating Procedures

- 2.6.1 Primary responsibility for ensuring adherence to this policy and its operating procedures rests with Council. This includes ensuring that any breaches of the policy and the operating procedures are



investigated and remedied to the extent that such breaches are within Council's capacity to remedy.

- 2.6.2 A breach of this policy by members of Council staff will be dealt with in accordance with the Award, the Code of Conduct, and the Code of Conduct Procedures.
- 2.6.3 If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the General Manager to the appropriate investigative agency.

3. ROLES AND RESPONSIBILITIES

3.1 The Role of Council

- 3.1.1 Council is the owner of the CCTV/BWVC Program. Council is responsible for the development, implementation, monitoring and auditing of the CCTV/BWVC Program.
- 3.1.2 Council retains ownership and has copyright in all CCTV/BWVC footage, CCTV/BWVC images and any documentation produced by Council officers in respect of the CCTV/BWVC program. Council will be responsible for the introduction and implementation of this policy and all supporting procedures relating to the Program.
- 3.1.3 Council has primary responsibility for:
- The maintenance, management, and security of the CCTV/BWVC Program.
 - The protection of the interests of the public in relation to the CCTV/BWVC Program.

3.2 The Role of the NSW Police

- 3.2.1 Authorised Police officers will have access to CCTV monitors and BWVC footage (if required) and access to retrieve images subject to approval by Council. Authorised Police Officers shall complete the required request form to be held on Councils record system.

4. OPERATIONAL INFORMATION

4.1 Operational Boundaries

The area of operation shall be taken to be locations within the Bellingen Shire Council (LGA) identified as having a specific need for CCTV coverage. Council will determine locations, coverage and installations. Body Worn Video Cameras are to be operated in accordance with the relevant procedures and this policy by authorised staff utilising the equipment as part of conducting their duties as an Officer of Council.

4.2 System Description

- 4.2.1 The CCTV Program involves a number of cameras installed at locations within the LGA. Cameras will be installed in areas that are identified as areas where crime, such as, antisocial activity, vandalism, or crime, is more likely to occur. These locations will be determined on the basis of crime statistics provided by the Police and other statistical data. Social, environmental, and commercial considerations are also taken into account. "Dummy" cameras will not be used by Council.
- 4.2.2 Recorded footage can be retrieved by authorised members of Council staff and Police. All recorded footage is retained for 30 days, unless required in relation to:
- (a) The investigation of a crime;
 - (b) Court proceedings;
 - (c) A request for public information.



4.3 Authorised Operation

- 4.3.1 All members of Council staff and Police authorised to operate, monitor and retrieve recorded footage and materials of the CCTV/BWVC Program shall undertake their duties under the authority of Council and the Police, respectively, and shall receive appropriate training, including training in privacy requirements (Privacy Statement and Privacy management Plan and NSW Privacy Act).
- 4.3.2 Operating Procedures (OPs) will supplement this policy, providing clear instructions for authorised members of Council staff and the Police on all aspects of the operation of the program including duties, responsibilities and procedures to ensure adherence to the principles and purposes on which the Program is based.
- 4.3.3 The circumstances in which authorised Council staff and Police are able to access recorded footage will be carefully controlled by, and set out in the OPs.
- 4.3.4 Authorised members of Council staff will be responsible for the retrieval of recorded footage and the management of the Program. The duties and responsibilities of authorised members of Council staff include:
- (a) The operation and maintenance of the CCTV equipment and software;
 - (b) Responding to requests from the Police relating to incidents and recorded material/ footage;
 - (c) Adherence to policies, rules of conduct and procedures;
 - (d) Undertaking basic maintenance and housekeeping;
 - (e) Reporting technical problems affecting the equipment to the nominated maintenance and service contractor appointed by Council.

4.4 Use of Equipment

- 4.4.1 Authorised members of Council staff shall use all equipment in an acceptable manner at all times and shall report immediately any damage, deficiency or malfunction identified. Authorised members of Council staff will ensure the highest level of protection and care is exercised whilst using the equipment and property and shall take all prudent and reasonable actions necessary to protect the system against abuse, misuse, negligence, malicious damage and vandalism.
- 4.4.2 Equipment used for the Program shall be used in accordance with this policy, the OPs and any relevant Council policies. All authorised members of Council staff will be trained in the use of all equipment in accordance with the OPs.

4.5 Monitoring Screen

The monitoring screen is the primary point for viewing and retrieval of footage and performing CCTV system checks. The monitoring screen shall only be accessed and utilised by authorised members of Council staff. Access to unauthorised persons will be restricted, unless authorised by the General Manager.

4.6 Body Worn Video Cameras (BWVC)

This policy provides guidance to approved Council officers, employees, elected representatives, and other stakeholders on the ethical, lawful and effective use of BWVCs and the resulting recorded data.

The benefits of BWVC technology being used by the Council are –

- (a) To complement existing personal protection standards and procedures for its staff and promote and maintain a safe work environment (eg. Overt camera placement on the body has an immediate impact



by demonstrating that actions may be being recorded leading to fewer verbal/physical assaults on frontline workers by discouraging and documenting occupational violence);

- (b) To assist approved officers in carrying out their operational tasks related to investigation of breaches of Acts, regulations and local laws administered by Council by providing compelling evidence (high-quality video and audio footage of an incident makes it clearer as to what happened, when, and who was involved);
- (c) Fewer complaints (false allegations are immediately negated and the overall conduct between the two parties involved are improved, reducing the likelihood of a need to complain);
- (d) Increase in early guilty pleas (perpetrators are aware of and can be presented with irrefutable evidence regarding their case which results in an increase in early guilty pleas);
- (e) Less time spent on paper work (officers are able to record interviews on video with audio, which saves the time taken to transcribe a verbal testimony).

Council will develop separate procedural guidelines to support the implementation of this policy and accommodate the use, auditing and management of BWVC's and their recorded data in Council operations.

All approved officers who are allocated a BWVC'S to wear must follow the Council's procedural guidelines in relation to its use.

A BWVC Approved Officer - In the context of this policy is an employee of Council who holds a current Certificate of Authority as an Authorised Officer (under legislation) OR a Council Employee specifically approved by the General Manager to use a BWVC.

4.7 Recording an incident with a BWVC

Approved officers must activate camera recording, if deemed safe to do so, in accordance with the BWVC'S procedural guideline:

- where they have a reasonable concern for their safety or welfare (or that of another person); or
- if an occupational violence incident occurs or their assessment indicates the occurrence of an incident is imminent; or
- to gather evidence of a breach of an Act, legislation, or local law the Council is responsible for; or
- as directed by their supervisor for purposes related to safety or welfare of employees or other persons.

Optical recording must not be activated except in accordance with this policy above. If an approved officer becomes aware that recording has commenced inadvertently, the camera must be turned off immediately and the activation reported.

Prior to activating recording, or as soon as practicable after recording begins, approved officers must verbally advise any persons in the vicinity that recording is being undertaken.

Activating recording for any un-approved purpose (e.g. practical jokes, taping private conversations or any other un-approved covert surveillance) will not be tolerated by Council and may result in disciplinary action.

4.8 Responding to an Event or a Criminal Incident

4.8.1 In the event that an authorised member of Council staff observes footage and/or recorded material which reveals suspected criminal behaviour, the officer will:

- (a) Refer the incident as soon as possible to their department's Deputy General Manager;



- (b) Notify the Police as to the circumstances of any criminal event (if observed by Council);
- (c) Ensure footage is secured, saved and marked appropriately in the event that it is required for legal purposes;
- (d) Complete an incident report form.

4.8.2 When compiling incident reports the authorised member of Council staff shall ensure that the exact location, time, date and relevant particulars pertaining to the event are included in the incident report form. The incident report should include any action taken by the officer, including notification to the Police and/or other emergency authorities, if applicable.

4.9 Storage and Security of CCTV Footage & BWVC Footage

4.9.1 Recorded CCTV footage will be kept for a maximum of 30 days (recording cycle). After this period, footage will be overwritten. Footage of Water & Wastewater treatment facilities may be kept for a period of up to one (1) year.

4.9.2 Each authorised officer shall complete the necessary paperwork in the CCTV footage log each time a copy is made from the hard drive. All copies of recorded CCTV footage are to be kept in a securely locked cupboard, with access restricted to authorised personnel. All applications for footage shall be held on a secure file in councils records system.

4.10 Release of Footage and/or Recorded Material

4.10.1 Access to CCTV/BWVC footage and materials will only be provided to comply with:

- (a) The requirements of the Police in relation to the investigation of crime or for the purpose of legal proceedings;
- (b) A subpoena;
- (c) A valid formal request for public information to which Council decides to provide access under section 58 of the Government Information (Public Access) Act 2009.

4.10.2 CCTV/BWVC footage and/ or recorded materials shall only be released to authorised persons of Council or the Police if there is a specific requirement to verify an incident or event that has occurred. Requests must be submitted on a *Request for CCTV Footage* form within 21 days of an alleged incident. All requests will be dealt with in accordance with this policy, the OPs, the *Privacy and Personal Information Protection Act 1998* and other relevant legislation and must be approved by Council's Public Officer.

4.10.3 If any other organisation or individual makes a request for CCTV/BWVC footage, this request should be made in accordance with the *Government Information (Public Access) Act 2009*. Such requests will be assessed in accordance with the Act.

4.11 Viewing of CCTV/BWVC Footage on Control Monitor

4.11.1 Viewing of CCTV/BWVC footage is restricted to authorised members of Council staff and the Police. Under no circumstances are unauthorised persons allowed to view CCTV footage from the control monitors.

4.12 Release and Security of CCTV Hard Drive

The CCTV hard drive of the CCTV system can only be released where a court subpoena has been issued on Council. The details of any such subpoena must be entered into Council's Subpoena/Legal Register.



4.13 Destruction of Recorded CCTV/BWVC Footage

Copies of recorded CCTV footage may only be deleted or destroyed when authorised by Council's Records Officer and the General Manager.

4.14 Loss or Damage of Recorded CCTV/BWVC Footage

In the event that copies and/ or records of footage become damaged or lost for whatever reason, the authorised staff member shall immediately inform the General Manager and submit an incident report form to Council's Group Leader Governance, setting out all details as to the cause and nature of such damage or loss.

4.15 Equipment Failure

If any item of CCTV or BWVC equipment is found to be defective, has failed, or is not working in accordance with its intended purpose, in addition to submitting an incident report form, the Governance Officer is to be contacted immediately, whether or not the failure is deemed to be of an urgent nature or not. If such failure or repair is deemed to be of an urgent nature, the authorised repairer/ contractor shall be contacted immediately by the Governance Officer.

4.16 Maintenance of CCTV & BWVC Equipment

- 4.16.1 CCTV equipment will be maintained by the appointed contractor. The appointed contractor will work under the direct supervision of an authorised member of Council staff. All field visits by maintenance staff must be approved in advance and in writing by an authorised member of Council staff.
- 4.16.2 At any time that works are performed upon the system, including minor works, authorised members of Council staff are to perform a quality control check of all recording and camera equipment on completion of the works.

4.17 Record Keeping

Records supplied as evidence and other program documentation will be retained in accordance with the *State Records Act 1998* and Council's records policy.

5. INFORMATION AND COMMUNICATION

5.1 Signage

Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the areas covered by the system and any other key points. These signs will:

- (a) Inform members of the public that cameras are in operation for the purposes of crime prevention and community safety;
- (b) Identify Council as the owner of the system by name or logo.
- (c) Council provide advice on its website that stipulate that the CCTV cameras operate in accordance with the provisions of the Privacy and Personal Information Protection Act 1998.



5.2 Public Awareness

- 5.2.1 Information explaining the introduction of the CCTV system and BWVC will be promoted through media accessed by people who live and work in the Bellinghen Shire LGA. Information about the system will also be promoted via council's website and through other communications strategies utilised by Council.

6. PROGRAM MONITORING AND REVIEW

A report that considers the findings of a compliance audit, an initial evaluation of program outcomes and a review of the program policies and guidelines will be prepared after six months of program commencement and every two (2) years months thereafter.

6.1 Compliance Audit

- 6.1.1 An audit will be conducted every 2 years to ensure the CCTV/BWVC Program is being implemented in accordance with this policy and the OPs. The audit will be undertaken by Council's Internal Audit Risk & Improvement Committee
- 6.1.2 The audit inspection shall include as a minimum a review of:
- (a) All requests for CCTV footage within the period;
 - (b) All incident report forms completed during the period;
 - (c) CCTV footage storage provisions and procedures;
 - (d) CCTV footage deletion and destruction provisions and compliance;
 - (e) Compliance with all procedures and documentation as required.
- 6.1.3 The Audit Risk & Improvement Committee shall provide a written report to the Council within 28 days of carrying out an audit, setting out any non-compliance, deficiencies or concerns uncovered as part of the audit.

6.2 Evaluation of Program Outcomes

- 6.2.1 Council will conduct an evaluation of the Program outcomes every 2 years. The evaluation of the Program will include as a minimum:
- (a) An assessment of its impact upon crime as demonstrated through reported crime rates pre and post system implementation;
 - (b) As assessment of its impact on detection and prosecution of offenders through consideration of number of retrievals of footage and the number of investigations and prosecutions supported by CCTV/BWVC footage;
 - (c) The views of the public on the operation of the program as demonstrated through Council's customer feedback system, community consultation and other means;
 - (d) Whether the purpose for which the Program was established are still relevant.

7. POLICY REVIEW

Bellinghen Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 2 years or earlier if there are relevant statutory or State Government policy changes.



8. ATTACHMENTS

8.1 Form 1 – Request by NSW Police for CCTV/BWVC Information and Footage

The following form is required to be completed in full.

Name and Rank of Police Officer	Badge Number of Officer	Police Station

Signature:

Date:

Signature of the Police Officer requesting the CCTV/BWVC footage, sound or other data.

Reason for Request

(Tick the boxes as applicable)

- Personal surveillance of member of public
- Suspected criminal activity
- Suspected criminal violence after an event
- Theft
- Surveillance of known persons
- Court requested evidence
- Other (please detail below)

Other Activity details

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Please note that this form maybe used as part of Bellingen Shire Councils Internal Audit Review process and that it may be used when requested by a Court as evidence that CCTV Footage, sound or other media has been collected by the person Identified above.

Council will only release this Form subject to an official letter of request by the NSW Police Force, The Ombudsman, ICAC or a Court or other body that may legally be undertaking a review the subject of this form.



Office Use Only

Staff Member Name	Position	Date

Describe what information was issued to the Police Officer, the form of information storage used, who supplied the data storage device, Completion of Form 2 – Certificate of Unaltered Footage.

Information Issued (video, sound, other)

Describe Data Storage Device Saved to:

Who Supplied the Data storage device?

Have You Completed Form 2: Certificate of Unaltered Footage Yes / No

Any other advice you believe needs to be added to this form as an official record of this request:

No

Yes

Signed by Staff Member.....



8.2 Form 2 – Declaration of Unaltered CCTV/BWVC Footage

(On Bellingen Shire Council letterhead)

I, (insert name) at Bellingen Shire Council declare that on <INSERT DATE>, I provided NSW Police Officer (insert name and title) Stationed at the <LOCATION> Police Station information as requested for the purpose of <INSERT REASON>.

I declare that the CCTV footage was supplied on a storage device provided by <INSERT NAME> and that no alteration of the footage was made by me or any other employee of Bellingen Shire Council.

I further declare that a copy of the collect footage has been stored on a Bellingen Shire Council data storage device and marked by the time and date of this declaration and held in Councils secure storage.

I make this Declaration at Bellingen Shire Council on _____ and I have provided a copy of this Declaration to the Police Officer as identified above.

<INSERT NAME>

<INSERT POSITION>

<INSERT DATE>