

POLICY REGISTER

CODE OF PRACTICE

CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM

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1. OVERVIEW

1.1. Key Principles

- 1.1.1. This Code of Practice contains the basic standards in accordance with which the Warren Shire Council's CCTV System will be operated.
- 1.1.2. The Code of Practice is based on 15 key principles. In each section the key principle is stated, followed by further explanatory information.
- 1.1.3. The key principles are as follows:

Principle 1

The CCTV System will be operated fairly, within applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The CCTV System will be operated with 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.

Principle 3

The public interest in the operation of the CCTV System will be recognised by ensuring the security and integrity of operational procedures.

Principle 4

The Warren Shire Council has primary responsibility for compliance with the purposes and objectives of the CCTV System, for the maintenance, management and security of the System, and the protection of the interests of the public in relation to the System.

Principle 5

As a partner to Warren Shire Council's CCTV System, the NSW Police Force will act in accordance with the Code of Practice.

Principle 6

The Warren Shire Council will be accountable to the public for the effective operation and management of the CCTV System.

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Warren Shire Council's CCTV System.

Principle 8

Regular monitoring and evaluation of the CCTV System will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

Principle 9

Staff involved with the operation of the CCTV System, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the CCTV System will be restricted to authorised Council staff and NSW Police Force members

Principle 11

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV System.

Principle 12

Information will be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

Principle 13

The retention of and access to recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for approximately 30 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

Principle 14

Contact related to the CCTV System between Warren Shire Council staff and the NSW Police Force, will be conducted strictly in accordance with the Code of Practice.

Principle 15

The CCTV System will address the interests of all who may be affected by it and not be confined to the interests of the Warren Shire Council or the needs of the criminal justice system.

2. PRELIMINARY INFORMATION

2.1. Introduction

- 2.1.1. The CCTV system forms part of a package of measures to tackle crime and anti-social behaviour in Warren.

In terms of public safety, correctly designed CCTV systems can be of considerable importance to the effectiveness of police response to crime and antisocial behaviour. It is essential to maintain public trust and confidence in the use of such CCTV systems. The key to maintaining this support is ensuring that CCTV is used responsibly with effective information and privacy safeguards.

- 2.1.2. The area in which the CCTV system operates can be described as Warren CBD, Lions Park, Councils Administration Building and Community Room, Macquarie Park, Warren War Memorial Swimming Pool, Splash Park, Carter Oval Sporting Precinct, Warren Skate Park, Warren Council Works Depot, Showground/Racecourse, Bob Christien Reserve, Ebert Park, Oxley Park, Matthew Collins Walkway, Ravenswood Park, Victoria Park and the Ewenmar Waste Depot.
- 2.1.3. The CCTV System is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in CBD. It is recognised, however, that such crime will never totally be prevented.

2.2. Code of Practice

- 2.2.1. Involvement in any aspect of the System by relevant organisations or individuals will depend upon their willingness to comply with this Code of Practice.
- 2.2.2. This Code of Practice is subject to state and federal law.

2.3. System description

- 2.3.1. The System involves the installation of cameras that transmit data to a standalone server in the Council Administration Centre. There will be no regular monitoring undertaken by the NSW Police Force or Warren Shire Council staff. All images are recorded and retained for approximately 30 days unless they are required in relation to the investigation of crime or for court proceedings.

2.4. Camera Design

- 2.4.1. All cameras are of colour resolution with IR LEDs, some cameras are set up for Licence Plate Recognition. And all remaining cameras are compatible for the NSW Police Force NX Witness (Facial Recognition) Software.
- 2.4.2. State of the art technology has been used to ensure maximum resolution and picture quality.

2.5. Camera locations

- 2.5.1. Cameras are installed in those areas of Warren subject to a high incidence of crimes against the person or property. These locations have been selected in consultation with members of NSW Police Force Warren. Environmental considerations are also taken into account.

2.6. Ownership of the CCTV System

- 2.6.1. The Warren Shire Council is the owner of the CCTV System. The Warren Shire Council retains ownership of and has copyright on all Intellectual Property, equipment, recorded material and documentation pertaining to the Program. The responsibilities of the Warren Shire Council in relation to the system are outlined in section 5.

2.7. Partners in the CCTV System

- 2.7.1. The NSW Police Force is a partner in the Warren Shire Council's CCTV System. The responsibilities of the NSW Police Force in relation to the System are outlined in section 6.

3. CHANGES TO THE CCTV SYSTEM AND/OR THE CODE OF PRACTICE

- 3.1.1. A minor change to the CCTV System or Code of Practice may be made with the agreement of either the Mayor or the General Manager of the Warren Shire Council. A minor change is a change which may be required for the purposes of adjustment of the System or clarification of the Code of Practice. For example, the replacement of one brand of video recorder with another or a change to the wording of a particular section of the Code of Practice where its meaning might otherwise be ambiguous.
- 3.1.2. A major change to the CCTV System or to the Code of Practice will take place only after consultation with relevant interest groups and upon the agreement of the Council of the Warren Shire. A major change is such as will have a significant impact upon the operation of the system or the Code of Practice, for example, a change to the purposes of the system or a proposal to install further permanent cameras and the system being directly linked with Local Area Command to ensure instant communication and enable direct monitoring in certain circumstances.

4. PURPOSE

- 4.1.1. The objectives of the CCTV System Program are:
- i) to reduce crime levels by deterring potential offenders;
 - ii) to reduce fear of crime;
 - iii) to assist in the detection and prosecution of offenders; and
 - iv) to help secure a safer environment for those people who live in, work in and visit Warren.

Principle 1

The CCTV System will be operated fairly, within applicable law, and only for the purposes for which it is established, or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The CCTV System will be operated with 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.

Principle 3

The public interest in the operation of the CCTV System will be recognised by ensuring the security and integrity of operational procedures.

5. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

- 5.1.1. The Warren Shire Council will be responsible for the introduction and implementation of the Code of Practice and for ensuring compliance with the principles contained within the Code.
- 5.1.2. The Warren Shire Council will comply with the requirements for accountability set out in this Code of Practice.
- 5.1.3. The Warren Shire Council will consult with and provide information to the public about the operation of the CCTV System.

Principle 4

The Warren Shire Council has primary responsibility for compliance with the purposes and objectives of the CCTV System, for the maintenance, management and security of the Program and the protection of the interests of the public in relation to the System.

6. RESPONSIBILITIES OF PARTNER TO THE SYSTEM

- 6.1.1. It is the responsibility of the NSW Police Force to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.
- 6.1.2. The NSW Police Force will develop its own operational procedures in relation to the CCTV System to complement those developed by Warren Shire Council.
- 6.1.3. A Memorandum of Understanding in relation to the CCTV System will be entered into both by Warren Shire Council and the NSW Police Force outlining the respective roles of both parties. The Memorandum of Understanding and any variations to it, are to be approved by both the Mayor and General Manager and are to be circulated to Councillors.

Principle 5

As a partner to Warren Shire Council's CCTV System, the NSW Police Force agrees to act in accordance with the Code of Practice.

7. ACCOUNTABILITY

- 7.1.1. Warren Shire Council will be responsible for periodic review of the CCTV System including the Code of Practice and Performance of Surveillance equipment:

- i) to identify and report on any deviations from the Code of Practice or Standard Operating Procedures (“SOPs”) that come to notice during audit; and
 - ii) to recommend action that will safeguard the System from abuse.
- 7.1.2. A report every 12 months on the operation and functioning of Warren Shire Council’s CCTV System will be presented to the NSW Police Force and Council.
- 7.1.3. The General Manager will provide written authorisation for Council Staff to have access to the data collection system under this Code of Conduct. Where the General Manager requires access to the data collection system, such written approval will be provided by the Mayor.
- 7.1.4. Only authorised staff will have access to view files, registers and data collected. The management software logs whom accesses the system, the time, date and changes made, or data downloaded. (TBC)

Principle 6

Warren Shire Council will be accountable to the public for the effective operation and management of the CCTV System.

8. PUBLIC INFORMATION

- 8.1.1. Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the area covered by the system and at other key points. These signs will:
 - i) inform the public that cameras are in operation;
 - ii) allow people entering the area to make a reasonable approximation of the area covered by the system; and
 - iii) identify Warren Shire Council as the owner of the system.
- 8.1.2. Copies of the Code of Practice will be made available to the public. The availability of the Code of Practice will be publicised in connection with any publicity arranged for the CCTV System.
- 8.1.3. Inquiries in relation to the Warren Shire Council’s CCTV System and its operation can be made in writing to:

The General Manager
Warren Shire Council
115 Dubbo Street
WARREN NSW 2824

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Warren Shire Council’s CCTV System.

9. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

- 9.1.1. In consultation with the NSW Police Force, Warren Shire Council will regularly monitor the operation of the CCTV System and implementation of the Code of Practice.

- 9.1.2. The Warren Shire Council is responsible for ensuring that the CCTV System is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.
- 9.1.3. Evaluation will be carried out according to established criteria.
- 9.1.4. Evaluation of the CCTV System will include as a minimum:
 - i) assessment of its impact upon crime;
 - ii) assessment of its impact on neighbouring areas;
 - iii) the views of the public on the operation of the System;
 - iv) operation of the Code of Practice; and
 - v) whether the purposes for which the System was established still exist.
- 9.1.5. The results of evaluation will be taken into account in the future functioning, management and operation of the System.

Principle 8

Regular monitoring and evaluation of the CCTV System will be undertaken to identify whether the purposes of the Program are being complied with, and objectives are being achieved.

10. MANAGEMENT OF THE CCTV SYSTEM

- 10.1.1. Warren Shire Council staff employed to work on the CCTV System, whether they be operators or managers, when doing so will be subject to the Warren Shire Council Code of Conduct.
- 10.1.2. Access to the operation of equipment will be limited to authorised Warren Shire Council staff and NSW Police Force members.

Principle 9

Staff employed to work in the CCTV System communications room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the CCTV System will be restricted to authorised staff and NSW Police Force members

11. CONTROL AND OPERATION OF CAMERAS

- 11.1.1. The locations of cameras will be apparent to the public.
- 11.1.2. All use of cameras will accord with the purposes of the CCTV System as outlined in the Code of Practice and Workplace Surveillance Act 2005.
- 11.1.3. Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime.

- 11.1.4. No sound will be recorded in public places.
- 11.1.5. 'Dummy' cameras will not be used.
- 11.1.6. Operators of camera equipment will act in accordance with the highest standards of probity.
- 11.1.7. Only authorised staff will have access to operating controls.

Principle 11

Information recorded should be accurate, relevant and not exceed that necessary to fulfil the purposes of the Program.

Principle 12

Information should be obtained fairly and in accordance with the privacy provisions of the Code of Practice and Workplace Surveillance Act 2005.

12. RECORDED MATERIAL

- 12.1.1. Access to and use of recorded material and photographs will only take place:
 - i) in compliance with the needs of Council and police in connection with the investigation of crime; or
 - ii) if necessary for the purposes of legal proceedings;
 - iii) in compliance with the Government Information (Public Access) Act 2009.
- 12.1.2. Recorded material will not be sold or used for commercial purposes or the provision of entertainment.
- 12.1.3. The showing of recorded material to the public will be allowed only in accordance with the needs of the Council and police in connection with the investigation of crime or in any other circumstances provided by law. Any such action must be formally approved by the Police.
- 12.1.4. Use of recorded material by the media should only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation. Subject to the concurrence of the Police, the General Manager may approve such releases after consultation with the Mayor. In such cases the recognisable characteristics of other people in the footage shall be obscured.
- 12.1.5. Images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Warren Shire Council's CCTV System.
- 12.1.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

Principle 13

The retention of, and access to, recorded material will be only for the purposes provided for by the Code of Practice. Recorded material will be retained for 30 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

- 12.1.7. Recorded material will be treated according to defined procedures to ensure continuity of evidence.

13. CONTACT WITH POLICE

- 13.1.1. NSW Police officers will be permitted to remove any recorded material or operate video equipment or have contact with any videotape or photograph at any time by utilising the authorised login/s to Councils CCTV System.

Principle 14

Contact related to the CCTV System between Warren Shire Council staff and the NSW Police Force will be conducted strictly in accordance with the Code of Practice.

14. BREACHES OF THE CODE

- 14.1.1. Prime responsibility for ensuring the Code of Practice is adhered to rests with the Warren Shire Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Warren Shire Council's power to remedy.

- 14.1.2. Complaints in relation to any aspect of the management or operation of the system or the behaviour or conduct of Council staff may be made in writing to:

The General Manager

Warren Shire Council

Post Office Box 6

WARREN NSW 2824

or by telephone on (02) 6847 6600

Complaint Handling

The procedure and steps for handling complaints shall be as follows:-

1. All complaints are to be in writing and to be addressed to the General Manager, Warren Shire Council.
2. A complaint regarding the conduct of an NSW Police Force Officer/s in relation to the operation of the safety cameras shall be referred, in the first instance to the appropriate Section of the NSW Police Force or authority charged with the responsibility for investigating complaints against Police Officers, for investigation.

The Privacy and Personal Information Protection Act 1998 (PPIP) authorises The Information and Privacy Commission NSW to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with The Information and Privacy Commission NSW. The contact details for Privacy NSW are as follows:

Principle 15

The CCTV System must address the interests of all who may be affected by it and not be confined to the interests of Warren Shire Council or the needs of the criminal justice system.

The Information and Privacy Commission NSW

GPO Box 7011.

Sydney NSW 2001

Email: ipcinfo@ipc.nsw.gov.au

Tel: 1800 472 679

- 14.1.3. Warren Shire Council will cooperate with the investigation of any complaint by The Information and Privacy Commission NSW.

15. REVIEW

This Code of Practice should be reviewed every 4 years or within 12 months of a Council election. The Code of Practice may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).