

Bathurst Regional Council

Central Business District (CBD) Closed Circuit Television (CCTV) Scheme

Code of Practice

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1. CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) CODE OF PRACTICE

1.1 Introduction

1.1.1. The CBD CCTV Code of Practice (the Code) contains the minimum standards of compliance under which the CBD CCTV scheme will be operated.

1.1.2. The Code will be supplemented by the Standard Operating Procedure, giving instructions on all aspects of the operation of the system. This document will be based on the CBD CCTV Policy and ensure that the principles and purposes on which the CBD CCTV scheme is based are realised.

1.1.3. The CBD CCTV Policy will guide the successful implementation and management of the CBD CCTV Scheme.

1.2. The Code is based on the following key principles:

Principle 1

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

Principle 2

The CBD CCTV scheme will not limit 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

Council has primary responsibility for the maintenance, management and security of the CBD CCTV scheme, and the protection of the interests of the public in relation to the CBD CCTV scheme.

Principle 4

The Police are a partner to the CBD CCTV scheme and agree to act in accordance with the Code.

Principle 5

The public will be provided with clear and easily accessible information in relation to the operation of the CBD CCTV scheme.

Principle 6

Regular review and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes and objectives of the CBD CCTV scheme are being achieved.

Principle 7

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

Principle 8

Recorded material will be retained for 30 days.

Principle 9

Access to recorded material will only be provided in accordance with the purposes provided

by the Code.

Principle 10

All contact between Council and the Police in relation to the CBD CCTV scheme will be conducted strictly in accordance with the Code.

1.3. Glossary of Terms

A glossary of terms used in the Code is provided below:

TERM	DEFINITION
Bathurst Central Business District (CBD)	That area of the CBD that will be monitored by CCTV cameras as identified in Section 2 of the Code
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 or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
CBD CCTV scheme	Council's CCTV system operating in the Bathurst Central Business District
Code	The Code of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOP as APPENDIX 2
Council	Bathurst Regional Council
Evaluation Group	Council and Police representatives who will undertake ongoing review of the CBD CCTV scheme
Image Recording Equipment	The computer that records and stores all footage recorded by the CCTV cameras
Image Recording Point	That area of Council where the Image Recording Equipment is located and secured, which is under Council control
Monitoring Equipment	The monitor and computer that live footage and Recorded Material may be viewed
Monitoring Point	That area of the Bathurst Police Station where the Monitoring Equipment is located and which is under Police control
MOU	The Memorandum of Understanding between Council and the Police in accordance with the Code
PTZ camera	A camera that can be panned, tilted, zoomed
Police	Chifley Police District, which is part of the NSW Police Force
CBD CCTV Scheme Policy	Policy developed by Council to ensure the effective, appropriate and lawful use of CBD CCTV scheme
Recorded Material	The footage recorded by the CCTV cameras
SOP	The Standard Operating Procedure, which give instructions on all aspects of the operation of the CBD CCTV scheme

1.4. Legislative Context

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- Workplace Surveillance Act 2005
- Police Act 1990 (NSW)

1.5. Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
- Central Business District (CBD) Closed Circuit Television (CCTV) Policy
- Central Business District (CBD) Closed Circuit Television (CCTV) Standard Operating Procedure
- Central Business District (CBD) Closed Circuit Television (CCTV) Memorandum of Understanding

2. CBD CCTV SCHEME PRELIMINARY INFORMATION

2.1. The area of the Bathurst region in which the CBD CCTV scheme operates can be described as the area bound by:

- a. Stewart Street
- b. Havannah Street
- c. Brilliant Street
- d. Durham Street

2.2. The CBD CCTV scheme is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in the Bathurst CBD. It is recognised, however, that such crime will never totally be prevented.

2.3. Council retains ownership of the CBD CCTV scheme and has copyright on all Intellectual Property, equipment, recorded material and documentation pertaining to all footage captured by the system

2.4. The responsibilities of Council in relation to the system are outlined in Section 9.

2.5. The Police are a partner in Council's CBD CCTV scheme. The responsibilities of the Police in relation to the scheme are outlined in Section 10.

3. OPERATION OF THE CBD CCTV SCHEME

3.1. The CBD CCTV scheme 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 the Code.

3.2. The CBD CCTV scheme 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.

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

3.4. Council has primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the system, and the protection of the interests of the public in relation to the scheme.

3.5. As a partner to Council's CBD CCTV scheme, the Police will act in accordance with the Code and the MOU.

3.6. Council will be accountable to the public for the effective operation and management of the CBD CCTV scheme.

3.7. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

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

3.9. Council staff who have delegated authority to provide footage to the Police for evidentiary purposes, whether they be operators or managers, will meet the highest standards of probity.

3.10. Access to recorded material will only be permitted by authorised Council staff.

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

3.12. Information will be obtained fairly and in accordance with the privacy provisions of the CBD CCTV Policy and the Code.

3.13. 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 30 days. It will then be erased, recorded over, or destroyed.

3.14. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

3.15. The CBD CCTV scheme will be confined to address the interests of the Bathurst region and the needs of the NSW Police and judicial system.

4. SYSTEM DESCRIPTION

4.1. The System involves 22 cameras connected to a central location in the Bathurst Regional Council Civic Centre by a fibre network.

4.2. The cameras will operate on a 24 hour basis.

4.3. Pictures are transmitted live to observation screens at the Monitoring Point which is able to be monitored by the Police.

4.4. The Monitoring Equipment also provides the Police with the ability to review Recorded Material.

4.5. The system is directly linked with the Police to ensure instant communication and enable direct monitoring in certain circumstances such as an emergency. Monitoring will only be undertaken on an as needed basis by the Police.

4.6. All images are recorded and retained for 30 days.

5. CAMERA DESIGN

5.1. A mix of fixed and PTZ cameras will be utilised to enable effective monitoring.

5.2. Each camera is to be housed in a tinted environmental dome for protection.

5.3. The camera technology used is to ensure maximum resolution and picture quality. The camera and system technology used will be regularly reviewed.

6. CAMERA LOCATIONS

6.1. Cameras are installed in areas of the Bathurst CBD, identified by the Police as areas in need. These locations are determined partially on the basis of crime statistics provided by the Chifley Police District. Environmental considerations are also taken into account.

A total of 22 cameras have been installed in the following areas:

- a) 2 – Howick Street
- b) 2 – Cnr William and Russell Street
- c) 1 – Cnr Keppel and Havannah Street
- d) 4 – Machattie Park
- e) 2 – Kings Parade
- f) 3 – Keppel Street
- g) 1 – Bentinck Street
- h) 1 – Court House Lane
- i) 1 – William Street
- j) 1 – Cnr Piper and William Street
- k) 1 – Cnr George and Howick Street
- l) 1 – Cnr Havannah and Lambert Street
- m) 1 – Cnr Havannah and Rocket Street
- n) 1 – Havannah Street

7. CHANGES TO THE CBD CCTV SCHEME AND/OR THE CODE

7.1. A minor change to the CBD CCTV Policy or Code may be made with the agreement of Council's General Manager. A minor change is a change which may be required for the purposes of adjustment of the scheme or clarification of the Code. An example may be the replacement of one brand of video recorder with another.

7.2. A major change to the CBD CCTV Policy or to the Code will take place only after consultation with relevant interest groups (Police, Business Owners, Public) and upon the agreement of Council. A major change is such as will have a significant impact upon the operation of the scheme or the Code. An example may be a change to the purpose of the scheme or a proposal to install further permanent cameras.

8. PURPOSE

8.1. The objectives of the CBD CCTV scheme are:

To reduce the fear of crime as measured by:

- Increased community perception of safety within the CBD

To assist in the apprehension and prosecution of offenders as measured by:

- Increase in the number of offenders identified
- Increase in the number of offenders apprehended

8.2. The CBD CCTV scheme will only be used to identify crimes occurring within the area covered by the scheme.

8.3. The CBD CCTV scheme 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 the Code.

8.4. The CBD CCTV scheme 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.

8.5. The public interest in the operation of the CBD CCTV scheme will be recognised by ensuring the highest levels of security and integrity in relation to recording and retention of material.

9. RESPONSIBILITIES OF COUNCIL – OWNER OF THE SCHEME

9.1. Council will be responsible for the introduction and implementation of the Policy and SOP and for ensuring the compliance with the details contained within the Code.

9.2. Council will comply with the requirements for accountability set out in the Code.

9.3. Council will consult with and provide information to the public about the operation of the CBD CCTV scheme.

9.4. Council has the primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the program and the protection of the interests of the public in relation to the scheme.

10. RESPONSIBILITIES OF THE POLICE – PARTNER TO THE SCHEME

10.1. It is the responsibility of the Police to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.

10.2. The Police will develop its own operational procedures in relation to the CBD CCTV scheme to complement those developed by Council.

10.3. An MOU in relation to the CBD CCTV scheme will be entered into both by Council and the Police outlining the respective roles of both parties. The MOU and any variations to it are to be approved by Council's General Manager and the Police, and then circulated to Councillors.

10.4. As a partner to Council's CBD CCTV scheme, the Police agree to act in accordance with the CBD CCTV Policy, SOP, the Code and the agreed final form of the MOU.

11. ACCOUNTABILITY

11.1. Council will be responsible for regular review of the CBD CCTV scheme, including the CBD CCTV Policy and the Code and performance of surveillance equipment:

- a. to identify and report on any deviations from the Code that come to notice during audit; and
- b. to recommend action that will safeguard the scheme from abuse.

11.2. A report on the operation and functioning of Council's CBD CCTV scheme will be presented to Council on a biannual basis.

11.3. Council will nominate authorised Council staff, who are the contact and first point of call, for all applications, technical and operational matters and evaluation of information or requests received.

12. PUBLIC INFORMATION ABOUT THE OPERATION OF THE CBD CCTV SCHEME

12.1. Clearly visible signs that CCTV cameras are operating will be displayed within the area covered by the CBD CCTV scheme. These signs will:

- a. inform the public that cameras are in operation and recording
- b. allow people entering the area to make a reasonable approximation of the area covered by the system
- c. identify Council as the owner of the system
- d. identify the footage may be monitored by the Police
- e. confirm the footage is being recorded

12.2. Copies of the CBD CCTV Policy, SOP and Code are available to the public.

12.3. Enquiries in relation to Council's CBD CCTV scheme and its operation can be made in writing to:

The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

or, alternatively, can be made by telephone on (02) 6333 6111 or, e-mail council@bathurst.nsw.gov.au

12.4. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

12.5. Upon the request by a member of the public or through a GIPA (Government Information and Public Access) file request for information related to video footage recorded through the CBD CCTV scheme, that the request be assessed by the General Manager of Council or their delegate, to its validity and requirement by law to supply such footage.

13. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

13.1. In consultation with the Police, Council will regularly monitor the operation of the CBD CCTV scheme and implementation of the Code.

13.2. Council is responsible for ensuring that the CBD CCTV scheme 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.

13.3. Evaluation will be carried out according to established criteria.

13.4. Evaluation of the CBD CCTV scheme will include as a minimum:

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- a. the assessment of its impact upon crime;
- b. the views of the public on the operation of the scheme;
- c. whether the purposes for which the scheme was established still exist

13.5. The results of evaluation will be taken into account in the future functioning, management and operation of the System.

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

13.7. Continued involvement of an Evaluation Group throughout the use of the CBD CCTV scheme.

13.8. The functions of the CBD CCTV scheme Evaluation Group are:

- i) to ensure the scheme objectives are being met.
- ii) to provide information regarding public perceptions crime

13.9 The Evaluation Group is made up of relevant Council staff. A letter will be sent by Council to the Police annually requesting crime statistics and feedback about the CBD CCTV system.

14. MANAGEMENT OF RECORDED FOOTAGE

14.1. Council staff employed to work on the CBD CCTV scheme will be subject to Council's Code of Conduct and other Council policies.

14.2. A breach of the CBD CCTV Policy, Code and the Council's own Code of Conduct may lead to disciplinary proceedings for staff members.

14.3. Procedures will be put in place to ensure that access to recorded footage is restricted to operating staff and their managers and that the communications room and recorded footage are protected from unauthorised access.

14.4. Access to the recording equipment will be limited to Council staff with that responsibility.

14.5. All authorised staff who have access to recorded footage shall be required to obtain a National Police Certificate.

14.6. Access to recorded footage will be restricted to qualified operating staff. Footage will be protected from unauthorised access.

14.7. All authorised staff will be required to undergo approved induction/familiarisation training and are to be provided with a copy of the CBD CCTV Policy, Code and SOP.

14.8. Each new authorised staff member on completion of their training is to be proficient in:

- a. use and control of camera management systems;
- b. use and control of recording systems;
- c. policy and procedures relating to recording of information;
- d. emergency response and procedures;

- e. accountability and confidentiality issues; and
- f. privacy issues.

14.9. All authorised staff involved in the operation of the CBD CCTV scheme are required to sign a Confidentiality Agreement (attached to the SOP).

14.10. It is the responsibility of Council management to ensure that these agreements are signed prior to any person being involved in and/or having access to the operation of the CBD CCTV scheme.

15. CONTROL AND OPERATION OF CAMERAS

15.1. The locations of cameras will be apparent to the public.

15.2. All use of cameras will accord with the purposes of the CBD CCTV scheme.

15.3. 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.

15.4. No sound will be recorded in public places.

15.5. Operators of camera equipment will act in accordance with the highest standards of probity. This will include:

- a. National Police Certificate
- b. Routine audit of the system including adherence to the Code and SOP

15.6. Only authorised staff with responsibility for using the equipment will have access to operating controls.

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

15.8. Information shall be obtained in accordance with the privacy provisions and meet all legislative requirements.

16. RECORDED MATERIAL

16.1. Access to and use of recorded material will only take place:

- a. in connection with the investigation of crime by the Police; or
- b. if necessary for the purposes of legal proceedings; or
- c. in compliance with the Government Information (Public Access) Act 2009.

16.2. Recorded material will not be sold, transferred, copied or used for any commercial purposes or for the provision of entertainment.

16.3. The showing of recorded material to the public will be permitted only in accordance with the needs of the Police in connection with the investigation of crime or in any other circumstances provided by another law.

16.4. The use of recorded material by the media shall only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation into a serious crime. Subject to the concurrence of the Police, the General Manager may

approve such releases. In such cases the recognisable characteristics of all other people and vehicles in the footage must be obscured.

16.5. All images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Council's CBD CCTV scheme.

16.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

16.7. The retention of, and access to, recorded material will be only for the purposes provided for by the Code. Recorded material will be retained for 30 days. Images will then be erased, taped over, or destroyed as per recording room procedures.

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

13.9. The Police may reproduce recorded footage or photographs for Court purposes or for the purposes of review by the NSW Ombudsman in the oversight or investigation of complaints under Part 8A of the Police Act, 1990 (NSW).

17. CONTACT WITH POLICE

17.1. Police officers will not be permitted to remove any recorded material or operate video equipment at any time unless under the terms of the Code or subject to the execution of a search warrant or other relevant legal process.

17.2. Any change in existing arrangements for Police contact with and the use of the CBD CCTV scheme will amount to a major change to the Code and must be agreed to in accordance with the Code before being implemented.

17.3. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

18. BREACHES OF THE CODE

18.1. Prime responsibility for ensuring the Code is adhered to rests with Council. This responsibility includes ensuring that breaches of the Code which Council is made aware of and which are within the ambit of Council's power to remedy and investigate, are investigated and remedied.

18.2. Complaints in relation to any aspect of the management or the operation of the CBD CCTV scheme or the behaviour or conduct of Council staff may be made in writing to:

The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795
or e-mail council@bathurst.nsw.gov.au

18.3. General Complaints

- a. All complaints are to be in writing and to be addressed to the General Manager, Bathurst Regional Council.

- i. First level – Manager Corporate Governance will review and provide a report to the complainant
- ii. Second level – where the complainant is still dissatisfied, the complaint will be investigated by the Director Corporate Services and Finance, and results of the investigation reported to the complainant
- iii. Where the complaint cannot be resolved within Council, the complainant is referred to an outside agency to seek resolution.

18.4. Privacy Complaints

- i. A complaint regarding the conduct of a Police Officer/s in relation to the operation of the CBD CCTV system or footage shall be referred for investigation 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.
(http://www.police.nsw.gov.au/services/complain_about_a_police_officer)
- ii. The Privacy and Personal Information Protection Act 1998 authorises the Information and Privacy Commission to receive and investigate complaints about alleged violation of, or interference with, the privacy of an individual. Any member of the public is entitled to lodge a complaint with the Information and Privacy Commission at:

Information and Privacy Commission
GPO Box 7011
SYDNEY NSW 2001
Tel: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

18.5. The CBD CCTV scheme must address the interests of all who may be affected by it. The scheme is to reflect the interests of Council, the Police and the needs of the criminal justice system.

18.6. Council will cooperate with the investigation of any complaint by the Information and Privacy Commission.