



**CENTRAL BUSINESS DISTRICT
(CBD) CLOSED CIRCUIT
TELEVISION (CCTV) POLICY**

PART 1: INTRODUCTION

This Policy underpins the introduction, ongoing management and operation of Closed Circuit Television (CCTV) within the Central Business District (CBD) of Bathurst. Standard Operating Procedures and Code of Practice will guide Council staff and Police in the day-to-day operation of the scheme and ensure alignment with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places*.

This Policy will ensure the effective, appropriate and lawful use of CCTV by Council and the Police in public areas, designated workplaces and Bathurst Regional Council facilities across the CBD.

Establishing and operating a CCTV system can be complex, time-consuming, and costly, therefore it is necessary that appropriate policies and procedures are in place to ensure the CCTV system operates efficiently and effectively. This Policy, Standard Operating Procedures and Code of Practice will also increase public confidence that Council's CCTV system is appropriately controlled, administered and accountable.

This CBD CCTV scheme is aimed at the detection and conviction of offenders. Council and Police recognise that the presence of CCTV can have a deterrent effect on crime and antisocial behaviour within the CBD, whilst contributing to a greater sense of safety in the community. CCTV is being introduced as part of the broader community safety strategy within the Bathurst Local Government Area. The CCTV cameras will not be monitored by Council but will capture images that can be used to assist Police. Police may intermittently view live images provided by the CBD CCTV scheme.

1.1 Policy Objectives

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

1.2 Scope of Policy

This policy relates to CCTV and surveillance systems used and operated by Council and the Police, as well as the implementation of CCTV cameras in locations identified as higher risk crime areas within the CBD.

Although every effort will be made to ensure maximum effectiveness of the system it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

1.3 Definitions

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 (the scheme).
Council	Bathurst Regional Council (the owner of the scheme).
Passive monitoring	Where CCTV monitors may be intermittently viewed.
Police	Authorised Police Officers from the Bathurst Police Station (part of the Chifley Police District).
Retrospective review	Where CCTV footage is reviewed after an incident.

1.4 Legislative Context

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Workplace Surveillance Act 2005
- State Environmental Policy (Infrastructure) 2007

1.5 Related Documents

The following documents are operational documents which support the policy:

Standard Operating Procedures – 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 on are adhered to. This procedure is intended to identify the correct operations, ownership and maintenance of the CBD CCTV scheme, and the usage of recordings captured in the process of investigating criminal activity. This process serves both Council staff (authorised) to access CCTV footage, and registered persons (authorised) by the police to request CCTV footage.

The Standard Operating Procedures will ensure:

- persons are informed about the collection and purpose for collection of the personal information in accordance with Section 10 of the PPIP Act, and
- that the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse in accordance with Section 12 of the PPIP Act.

These aspects are addressed in the Standard Operating Procedures to ensure compliance with the Privacy and Personal Information Regulation 2005.

CCTV Code of Practice – outlines the minimum standards of compliance under which Closed Circuit Television (CCTV) will be operated by Bathurst Regional Council. The Code of Practice will operate within applicable law and only for the purpose of which it is established, as well as with regards to the privacy and civil liberties of individual members of the public.

CCTV Memorandum of Understanding between Council and the Police – is intended to demonstrate a mutual understanding of the management and implementation of the CBD CCTV scheme. The Memorandum of Understanding acknowledges each parties obligations under the *Privacy and Personal Information Protection Act 1998 (NSW)*.

NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places – provides a policy framework and underlying principles to assist agencies considering CCTV as a possible response to local community safety concerns.

1.6 Responsibilities

Bathurst Regional Council:

Council is the owner of the public place CBD CCTV scheme. Council has responsibility for securing funding, responsibility to consult with and inform the community, and responsibility for design, management, running costs, evaluation and audit activities.

The CCTV system provided will not be monitored live by Council. Council will maintain all equipment and will be responsible for recording images that can be used to assist the Police. It is acknowledged that from time to time equipment will fail and while every endeavour will be made to ensure that all equipment is functioning at all times Council cannot guarantee this.

NSW Police Force:

The Police are not responsible at this point in time for the funding of the CBD CCTV scheme, but have been involved in the assessment and planning phase. The Standard Operating Procedures for the scheme will incorporate protocols covering communication and liaison between Council and the Police. A CCTV monitor will be located within the Bathurst Police Station for passive monitoring only. The location and use of this monitor will be determined in accordance with the NSW guidelines for the monitoring of CCTV. The Police will also be provided with the ability to review stored footage and request Council to download required footage for evidentiary purposes.

The Police are responsible for providing to Council annually an analysis of crime statistics and data of arrest and successful prosecutions related to the CCTV coverage area.

Private Sector:

Private sector agencies may contribute financially to the introduction of the CCTV system. This financial contribution will end the involvement of the private sector agency.

1.7 Review Procedures

Staff will undertake regular reviews of the CBD CCTV scheme, including collection of crime statistics and data provided by the Police.

The NSW Information and Privacy Commission may request to undertake spot audits from time to time and local councils should comply with such requests.

1.8 Reporting Requirements

Biannual crime statistics and evaluation against the CBD CCTV policy objectives will be reported to Council.

1.9 Complaints

Complaints in relation to any aspect of the management or the operation of the CBD CCTV scheme 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

Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.

Section 36 of the *Privacy and Personal Information Protection Act 1998* authorises the Information and Privacy Commission to receive and investigate complaints about alleged violations 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 or

Email ipcinfo@ipc.nsw.gov.au

PART 2: POLICY CONTENT

2.1 General Provisions

Guiding Principles

Council has made reference to and responded to the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* in order to ensure best compliance with the implementation of the CBD CCTV scheme. The nine principles outlined in the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. The principles are essential for the implementation of CCTV and include:

- **Integrated Approaches to Crime Prevention**
Principle: The implementation of CCTV should be part of an integrated, multiagency approach to crime control and community safety.
- **The Ownership of Schemes and Its Accompanying Responsibilities**
Principle: The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.
- **Community Consultation**
Principle: When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account through an effective community consultation strategy. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.
- **Setting Clear Objectives**
Principle: Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear statement of objectives will provide a basis for effective monitoring and evaluation of the scheme, and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.
- **Police Involvement in Public Area CCTV Schemes**
Principle: While the Police should not fund public area CCTV schemes, they should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the Police.
- **Managing and Operating Schemes**
Principle: CCTV schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community. (Please refer to Privacy section below for full details).
- **Evaluation**
Principle: Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme.

- **Complaints**
Principle: Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.
- **Monitoring and Auditing**
Principle: Audit is needed in order to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

2.2 Specific Provisions

Disclosure

CCTV footage and records will only be used and disclosed in accordance with the primary purpose of collection. This CBD CCTV scheme is aimed at the detection and conviction of offenders, with footage to be provided to the Police for retrospective review. Access to and use of recorded material will only take place in compliance with a Police request in connection with an investigation of crime and nothing else.

In accordance with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places*, reasonable steps will be taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

Disposal

Where footage has been provided to the Police, it is their responsibility to appropriately retain and destroy the record of the footage in accordance with their protocols.

Privacy

The Privacy and Personal Information Protection Act 1998 covers Local Government authorities as public sector agencies, and as such needs to be addressed when considering the establishment and implementation of CCTV.

CCTV in public places need to balance the need for public safety against the right to privacy for members of the public. The CBD CCTV scheme needs to be operated with respect for people's privacy and their right to conduct or engage in lawful activities. The *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* states:

Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:

- *the recording and retention of images should be undertaken fairly and lawfully;*
- *the purpose for which the information is being obtained is known;*
- *the information not be used for any other purpose than that proclaimed;*
- *people be aware that they may be subject to CCTV surveillance;*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area;*
- *the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime;*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area; and*

- *the owners of the scheme are known and accountable for its operation.*

CCTV information and records are to be handled in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998 and the Privacy and Personal Information Regulation 2005. Use and disclosure of CCTV footage and personal information must only be in accordance with privacy laws.

The Privacy and Personal Information Regulation 2005 exempts Councils from certain provisions of the PPIP Act relating to the use of CCTV cameras, specifically as follows:

- *Council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that Council has installed for the purpose of filming a public place, if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).*
- *Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.*