

<b>Responsible Directorate</b>	Community Services
<b>Responsible Business Unit/s</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Information Communication Technology

## Objective

The objective of this policy is to establish clear parameters for the use of Closed Circuit Television (CCTV) systems across the Shire of Serpentine Jarrahdale to assist in:

- a. Creating a safer environment for residents and visitors to the Shire of Serpentine Jarrahdale;
- b. Protect Council's assets and other assets under the control and care of Council.

Whilst CCTV cameras bring benefits to the community, such as a reduction in crime, which can lead to enhanced community safety and property protection in particular areas, it is recognised that crime will never totally be prevented. This would be beyond the scope of any one agency or sector.

## Scope

Generally, this Policy applies to fixed CCTV cameras that are installed in and on Council owned infrastructure and are listed within relevant asset registers.

Organisations contracted to operate and manage facilities on behalf of the Shire of Serpentine Jarrahdale, where CCTV is in operation, are to abide by this Policy.

It is acknowledged that CCTV cameras installed in public place locations as part of Council infrastructure, will capture images of the general public and staff performing work tasks. The provision of CCTV within the Shire of Serpentine Jarrahdale is not designed to intentionally provide workplace surveillance unless specifically stated.

CCTV cameras are also installed from time to time by tenants or licensees of Council land or buildings in accordance with the terms of leases and/or licenses, as a separate safety measure by the tenant or licensee. Unless identified as a key site, where the vision is clearly recorded and held by Council, such cameras lie outside the scope of this Policy. Accordingly, all references to CCTV cameras within this policy refer only to cameras operated and monitored by, or on behalf of Council.

Mobile or temporary cameras that are used in the same manner as fixed CCTV cameras to achieve said objective of CCTV provision, are incorporated into the scope of this Policy. This policy does not relate to mobile or temporary cameras (including dash cams or body worn cameras) that are primarily used for activities associated with enforcement by authorised Council officers in their delegated tasks; or for personal safety measures relevant to those tasks.



## **Policy**

### **Introduction**

New CCTV systems are to be introduced in consultation with staff, community groups and Council as appropriate, with consideration towards relevant statistical information wherever available.

Where systems are already in operation, these are to be reviewed regularly in consultation with staff, community groups and Council as appropriate, with consideration to relevant statistical information wherever available.

### **Principle Areas**

Wherever relevant, applicable legislation shall be followed. Broadly, this Policy aims to clarify Council's intent when providing CCTV across the following principle areas:

#### One – Purpose, Privacy and the Public Interest

All CCTV's are to be operated fairly, within applicable law, and for the purposes unto which they were established or subsequently agreed to. Operation should occur with due regard towards the privacy and civil liberties of individual members of the public, and particularly with a view to minimising false association. The public interest in the operation of CCTV's is to be recognised by ensuring the security, review and integrity of operational procedures is maintained.

- a. The purpose of CCTV installation and operation occurs in accordance with this policy.
- b. The provision of CCTV is intended to assist in the prevention of crimes against a person or property, as well as offences and non-compliance where appropriate under the Local Government Act 1995.
- c. CCTV's may utilise intelligent surveillance and/or behaviour analysis software. This is to assist Council in the detection of suspicious behaviour, intrusion, crowd and traffic management, vehicle and facial recognition processes (identification).
- d. Cameras regulated under this Policy may be used by WA Police during emergency situations such as a siege, riot, bomb blast/threat or other controlled operation.
- e. Cameras may be used to monitor individuals, groups or locations where a Shire operator has reason to believe that an offence has been committed, is being committed or is about to be committed in the monitored area.
- f. Council and Shire operators are to use all reasonable efforts to prevent the occurrence of false association arising from the operation or utilisation of CCTV systems.
- g. CCTV cameras are not placed with the expectation that all conceivable areas are covered. Rather, cameras are installed at priority locations that take into account a range of criteria. This includes, but is not limited to history of crime; public requests; illumination of area to ensure quality of images; and ability to integrate with existing or planned infrastructure whilst maintaining cost/benefit ratios.
- h. CCTV cameras installed in locations that are later deemed to be a non-priority area, or are not assisting Council to achieve policy objectives, may be removed or relocated.



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### Two – Ownership of CCTV's, Responsibilities and Accountability

Council is responsible for complying with the objectives of CCTV provision articulated within this Policy, and the protection of public interests that may otherwise be impacted by that provision.

- a. Information is to be publicly available on the Shire's website, where relevant to the effective operation and management of the CCTV Program and systems.
- b. Council will either operate the system, or give authority to an appointed contractor to operate the system.
- c. Council has the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live and recorded material associated with the CCTV Program.
- d. Requests from third parties to install CCTV equipment on Council land or in/on Council owned facilities can be considered. In all instances, the request must comply with relevant legislative requirements, as well as demonstrate a need and purpose consistent with the Policy objectives. Any request must not exceed a 3 month period and come at no cost to Council.
- e. Where hirers of Council facilities are subject to being recorded, this should be articulated within the conditions of hire.

### Three – Shire of Serpentine Jarrahdale CCTV and Police involvement

As a partner to Council's CCTV Program, WA Police are to act in accordance with this Policy and related documents. This includes, but is not limited to any Memorandum of Understanding (MOU), Agreements, or legislative conditions between Council and Police.

Contact related to the CCTV Program between Council staff, any delegated contractors and the Police, is to be conducted in accordance with relevant legislation. Council may request information from the Police to:

- a. Identify crime 'hot spots' where cameras may be required;
- b. Contribute to the Business Operating Procedures and/or Manuals that support this Policy;
- c. Assist in determining the level of response to incidents identified on monitoring screens, according to available resources and existing priorities;
- d. Provide ongoing information and advice to Council on the nature and level of crime in the monitored areas; and
- e. To evaluate the effectiveness of any CCTV provision.

It is noted that Police do not have the ability to record footage shown on Council's CCTV system and separate application/s will need to be made in line with relevant legislation.

### Four – Public Information and Community Consultation

The public is to have access to clear and easily obtained information relevant to the operation of the CCTV Program and systems, without jeopardising or impeding its objectives.

- a. Signs advising that CCTV cameras are operating are to be displayed as legislatively required. This may include, but is not limited to information such as:
  - General advice of CCTV presence;



- Footage is recorded 24 hours a day; 7 days per week; and
  - Identifying Council as the owner of the CCTV system.
- b. Council to retain records of all new, additional, altered or removed cameras.

### Five – Evaluation of CCTV Provision

Regular evaluation of the CCTV Program shall be undertaken to identify whether the purpose and relevance of CCTV provision is current.

The evaluation of the CCTV Program should include, but is not limited to a review of:

- Specific locations and associated purpose of CCTV provision;
- Authorised Shire Officers and/or relevant contractors at each CCTV location;
- New or amended legislation relevant to the provision of CCTV;
- Business improvement opportunities;
- Actions that could safeguard or enhance the CCTV Program;
- Feedback received and/or public perception surveys;
- Requests for recorded material;
- System and technology related challenges or opportunities.

### Six – Management of CCTV Monitors, Control Rooms and Associated Infrastructure

Staff and contractors, who have responsibilities related to viewing and/or controlling CCTV monitors or equipment are to meet and apply the highest standards of probity.

Access to any control room or equipment is to be restricted to relevant or authorised operating staff. Unauthorised access is not acceptable, and opportunities for inadvertent viewing of any screens or CCTV images by other persons are to be minimised.

- a. Access to control rooms and recordings captured by CCTV are not available to members of the public.
- b. The circumstances in which visitors are able to access control rooms and equipment is to be limited to extenuating circumstances only (such as approved maintenance).
- c. Council and/or its security provider/contractors are to maintain:
- d. Suitable qualifications and licensing requirements for staff to meet all relevant legislation and regulatory requirements;
- e. Clear parameters and documentation for staff that outlines the disciplinary proceedings (including dismissal) for any breach related to the provision and management of CCTV;
- f. Confidentiality clauses enforceable during and after termination of employment;
- g. Appropriate systems so as to keep a record of all requests for footage, as well as the response provided.



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- h. CCTV cameras should be installed and housed in manners that minimise ongoing maintenance costs, such as within weather protective casings or domes. However, they are to be clearly apparent to the public and not unduly concealed.
  - i. Cameras are not to be used to look into adjacent or nearby premises, buildings, commercial premises or private residences unless under special request by WA Police for the purpose of:
    - Following participants of a crime;
    - Following participants suspected of being involved in a crime;
    - Specific WA Police intelligence gathering or covert operation;
    - Monitoring persons or motor vehicles suspected of being involved in a crime; and/or
    - Monitoring property suspected of being used to accommodate criminal activity.

#### Seven – Retention of and Access to Recorded Material

*All requests for access to recorded material, other than by authorised representatives of Council, must be made by means of a CCTV Access Application pursuant to the (WA) Surveillance Devices Act 1998. CCTV Access Applications are to be determined by Council's authorised officers in accordance with the provisions of that Act.*

The retention of and access to recorded materials is only for the purposes articulated within this Policy and not to be kept longer than is necessary. Recorded material no longer required is to be disposed of using approved disposal methods.

- a. Recorded material is not to be sold or used for commercial purposes.
- b. The showing of recorded material is only permitted in accordance with the needs of WA Police and/or Council security provider/contractors in connection with the investigation of a crime or other circumstances provided by law. This includes the release of recorded material to the media, where public information is being requested to identify a person/s wanted.
- c. Any material released to the media under the above provision is to be accompanied by a signed release that clearly states what the material will be used for and sets out the limits on its use.
- d. Appropriate security measures are to be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- e. Footage is generally retained for no less than thirty (30) days, unless identified as containing an incident and required to be retained as relevant to the investigation of a crime.
- f. Footage and images may be recorded and retained for a period less than outlined in (e) above during times of upgrade, repair or changeover of IT or related CCTV infrastructure.
- g. If in the rare circumstances that there is a failure within the CCTV system and recorded images within the stipulated thirty (30) day period are deleted, all reasonable efforts to repair or replace equipment will be made.
- h. Council retains ownership of and has copyright in all recordings, photographs and documentation pertaining to the provision and management of its CCTV Program.

**Definitions**

**Closed Circuit Television (CCTV):** An audio visual system in which signals are not publicly distributed but are recorded & monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors at some location.

**CCTV Program:** collective provision and administration of the Shire of Serpentine Jarrahdale's CCTV system/s.

**Relevant Policies/Council Documents**

In developing this Policy, reference to the following public documents have been made:

- *Western Australia Legislation for Video Surveillance Devices.*

**Legislation/Local Law Requirements**

- *WA Evidence Act 1906,*
- *Criminal Procedures Act 2004,*
- *(WA) Surveillance Devices Act 1998,*
- *Guardianship and Administration Act 1990*
- *Local Government Act 1995*

<b>Office Use Only</b>				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	26 November 2018	<b>Resolution #</b>	OCM137/11/18
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
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