

CLOSED CIRCUIT TELEVISION AND SURVEILLANCE POLICY

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1. PREAMBLE

In accordance with national standards and legislation, this policy provides a framework for the exercise of Council's power(s) in relation to CCTV infrastructure, how and why council monitors public places, and the restrictions that are imposed when such infrastructure is installed on or in Council property.

1.1 Background

All closed circuit television (CCTV) systems that receive, hold and process data about any person or public place are required to adhere to relevant guidelines to ensure privacy is maintained. As a result, and due to the ongoing need for Council to work directly with law enforcement agencies for the purpose of monitoring the public realm while expanding and updating surveillance systems, the need to regulate surveillance systems installed on or in Council owned land and/or property has become ever-present.

1.2 Purpose

This policy sets out the terms of operational reference for the implementation, operation, management and maintenance of closed circuit television systems within Holdfast Bay, for the purpose of reducing crime and anti-social behaviour, to improve safety and security in public places, to create public awareness, and to assist the South Australian Police in the pursuit of criminal offenders.

1.3 Scope

This policy applies to and governs all CCTV systems within Holdfast Bay that are either owned, operated and maintained by council, and/or those that are installed in or on council owned property and its infrastructure, that monitor footpaths, roads, other public areas or public places, and/or any place where a public service is offered (including sporting ground, community centres).

1.4 Definitions

1.4.1 **Council** means a council within the meaning of the *Local Government Act 1999*;

1.4.2 **Council land/property** means all roads, footpaths, buildings, land, reserves, structures, community centres etc owned and/or maintained by the City of Holdfast Bay and its Workers;

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- 1.4.3 **CCTV** means closed circuit television system;
- 1.4.4 **CCTV System** means operational procedures, and technology comprised of cameras and associated technology used for the purpose of monitoring, transmitting, storing and viewing data;
- 1.4.5 **Data** means all information, including pictures, footage, or sounds relating to a person, place, or thing, that is captured, recorded and stored;
- 1.4.6 **Disclosure of Data** means the duplication and/or release of data.
- 1.4.7 **Incident** means any activity that raises cause for concern that an offence has been, is being, or is about to be committed;¹
- 1.4.8 **Lessee** means a lessee within the meaning of both the *Local Government Act 1999* and *Retail and Commercial Lease Act 1995*;
- 1.4.9 **Optical Surveillance Device** means a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place or activity;
- 1.4.10 **Private Activity** means an activity carried out by at least one (1) person that may reasonably be taken to indicate that the person does not desire to be observed;²
- 1.4.11 **Public Place** means a public place within the meaning of the *Local Government Act 1999*;

1.5 Strategic Reference

A Place that is Well Planned
A Place that is Safe and Secure

2. POLICY STATEMENT

- 2.1 Council will only implement a CCTV system and associated optical surveillance infrastructure for the purpose of monitoring a public place/area when it serves the interest of a public good, or when it is deemed in the interest of protecting:
 - 2.1.1 public/community safety;
 - 2.1.2 key community areas;
 - 2.1.3 assets and properties;

¹ Australian Standard: Closed Circuit Television: Management and Operations, s 1.3.7.

² *Surveillance Devices Act 2016*, s 3.

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- 2.1.4 areas of high density public congregation or locations of mass gathering (e.g. Entertainment precincts, foreshores, public attractions and/or events etc).
- 2.2 Council will permit only law enforcement/council staff and other authorised persons have access to view footage/live feed of CCTV;
- 2.3 For the purpose of section 2.1 of this policy, where CCTV infrastructure is to be installed on Council owned property that is listed as a 'Heritage Place' under the City of Holdfast Bay Development Plan, Council will seek relevant guidance from its Heritage Adviser and obtain necessary approvals under either the *Heritage Places Act* or *Planning, Development & Infrastructure Act*;
- 2.4 Where practicable and achievable, Council will adhere to the infrastructure and system guidelines outlined in the Australian National Standards:
 - 2.4.1 when the deployment of permanent infrastructure is deemed appropriate and necessary to the expansion of the existing network; and
 - 2.4.2 the interconnectivity of the infrastructure and system is optimal to the location; and
 - 2.4.3 when the deployment of such infrastructure in aligned with the aims of section 2.1 of this policy;
- 2.5 Council reserves the right to approve or refuse any application made by a lessee or third party who seek to install CCTV infrastructure on Council owned property;
- 2.6 If approved, any costs incurred through the installation, maintenance, and/or repair of the system and/or infrastructure, is to be incurred solely by the lessee or third party;
- 2.7 While Council may approve the installation of such optical surveillance devices to monitor the external areas and/or perimeter of a leased property, Council does not permit the installation of any CCTV system(s) in any internal area of a leased council property where an area is:
 - 2.7.1 used by any person or a group of people for a private activity/community activity; and/or
 - 2.7.2 used by children, persons under the age of 18 years, and/or vulnerable persons;
- 2.8 General data/footage is to be retained for a minimum period of 31 days before erasure;³

³ Australian Standard: Closed Circuit Television: Management and Operations, s 8.3.

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- 2.9 In the event of a reported incident or criminal act occurring within any given 31 day period, any relevant data is to be retained in accordance with *General Disposal Schedule No.21* as established under section 23 of the *States Records Act 1997*;
- 2.10 In accordance with Division 1 of the *Freedom of Information Act 1991* a person, agency or organisation may seek to obtain access to, copies of, or the release of data captured by Council's CCTV system;
- 2.11 Though Council reserves the right to refuse any Freedom of Information application pursuant section 20 of the *Freedom of Information Act 1991*, recorded data *may* be released/disclosed by Council only when:
- 2.11.1 it is deemed to be in the interests of the community; and/or
- 2.11.2 it does not breach the privacy of any other persons/parties; and/or
- 2.11.3 it is deemed to serve in assisting in the management and/or prevention of crime, vandalism, and/or violence;
- 2.12 Council reserves the right to seek any relevant third party consents and/or approval prior to releasing any data;
- 2.13 Council reserves the right to seek advice through consultation with any relevant authority and/or stakeholder prior to releasing any data.

3. REFERENCES

3.1 Legislation

- *Freedom of Information Act 1991*
- *Local Government Act 1999*
- *Planning, Development & Infrastructure Act 2016*
- *Heritage Places Act 1993*
- *Retail and Commercial Lease Act 1995*
- *States Records Act 1997*
- *Surveillance Devices Act 2016*

3.2 Other References

- City of Holdfast Bay Privacy Policy
- Australia Standard – Closed Circuit Television (CCTV) (AS 4806)
- State Records of South Australia – General Disposal Schedule No.21 (Digitised Records)