



PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

Adopted: 27 July 2016

TRIM 174714.2016



PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

1. INTRODUCTION

- 1.1 Liverpool City Council (the Council) is committed to ensuring safety for all people who live in, work in or visit the Liverpool Local Government Area (LGA). The *Liverpool Community Safety and Crime Prevention Strategy 2013 – 2017* includes a range of strategies designed to reduce the opportunity for crime and enhance perceptions of Liverpool as a safe community. One strategy identified in the plan to improve safety within the Liverpool City Centre is the implementation of the Public Safety Closed Circuit Television (CCTV) Program (the Program).
- 1.2 The Liverpool City Council Public Safety CCTV Policy (the policy) has been developed in accordance with the provisions of the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces* (“the Guidelines”). The Guidelines were developed to support councils, transport providers and others who implement CCTV in public spaces to ensure compliance with relevant legislation including the *Local Government Act 1993*, the *Privacy and Personal Information Protection Act 1998* and the *Workplace Surveillance Act 2005*.
- 1.3 This policy will be supported by confidential Standard Operating Procedures (SOPs) along with a Memorandum of Understanding (MoU) with the NSW Police Force to clearly identify roles and responsibilities for management of the Public Safety CCTV Program. While the Program is owned and operated by Council, the Program is being implemented through a close working partnership with the Liverpool Police Local Area Command.
- 1.4 Council commits to monitoring compliance with this policy and the SOPs through annual audits and also to monitoring the community safety outcomes achieved by the Program in consultation with the community of Liverpool.

2. POLICY FRAMEWORK

2.1 Public Safety CCTV Program aim

The Program aims to protect people and property, reduce the opportunity for crime and enhance perceptions of safety in the Liverpool City Centre.

2.2 Program objectives

The objectives of the Program are to:

- a) Reduce crime in the City Centre by deterring potential offenders;
- b) Enhance perceptions of safety for people who live in, work in and visit the City Centre;
- c) Assist Police with the detection and prosecution of offenders in the City Centre.

2.3 Legislation and guidelines

- 2.3.1 This policy is based upon relevant NSW and Commonwealth Government legislation and accompanying guidelines for the establishment and monitoring of CCTV systems in public places. These include the:

- a) *Australian Standard AS 4806.1-2006: Closed circuit television (CCTV)*;
- b) *Government Information (Public Access) Act 2009*;

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

- c) *Local Government Act 1993*;
- d) *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (2000)*;
- e) *Privacy and Personal Information Protection Act 1998*;
- f) *State Records Act 1998*;
- g) *Workplace Surveillance Act 2005*.

2.3.2 This policy is supported by confidential Standard Operating Procedures (SOPs) for the effective management, operation and monitoring of the Program.

2.4 Guiding principles

The policy is based on the following guiding principles:

- 2.4.1 The Program will be operated fairly and transparently, within applicable legislative requirements and only for the purposes for which it is established or which are subsequently agreed to in accordance with this policy.
- 2.4.2 The Program will only be used to identify criminal activity occurring within the area covered by the Program.
- 2.4.3 The Program 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.
- 2.4.4 The public interest in the operation of the Program will be recognised by ensuring the security and integrity of the SOPs and through provision of clear and easily accessible information in relation to the operation of the Program.
- 2.4.5 Regular review and evaluation of the Program will be undertaken to identify whether its aims and objectives are being achieved.
- 2.4.6 Information recorded will not exceed what is necessary to fulfil the purposes of the Program. Information will be obtained fairly, lawfully and in accordance with the privacy and confidentiality provisions of this policy and relevant Council policies.
- 2.4.7 In the interest of privacy and confidentiality, access to the CCTV monitoring equipment shall be restricted to authorised members of Council staff and Police. The equipment will be protected from unauthorised access.
- 2.4.8 The retention of, and access to recorded material will be only for the purposes provided by this policy. Recorded material will be retained for a period of 30 days (recording cycle) unless required in relation to the investigation of crime or for court proceedings.

2.5 Confidentiality

Council will ensure the confidentiality and security of all images captured by CCTV through the SOPs, which stipulate that under no circumstances:

- a) Will any information related to images captured by CCTV to be disclosed to a third party unless authorised by Council;

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

- b) Will any information relating to the technical operation of the CCTV system, including the SOPs or maintenance procedures, to be disclosed to any unauthorised person.

2.6 Privacy

This policy and the SOPs have been developed to comply with the provisions of Council's Privacy Policy and the *Privacy and Personal Information Protection Act 1998*.

2.7 Complaints

Council will investigate all complaints by members of the public in relation to the CCTV Program and will provide a timely response to all enquiries in accordance with Council's Customer Feedback Policy and Council's Privacy Policy. All complaints will be investigated by Council's Privacy Contact Officer.

2.8 Breaches of this policy and the Standard Operating Procedures

- 2.8.1 Primary responsibility for ensuring adherence to this policy and its SOPs rests with Council. This includes ensuring that any breaches of the policy and the SOPs are investigated and remedied to the extent that such breaches are within Council's capacity to remedy.
- 2.8.2 A breach of this policy by members of Council staff will be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and Council policies, including the Code of Conduct and Code of Conduct Procedures.
- 2.8.3 If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the Chief Executive Officer (the CEO) to the appropriate investigative agency.

3. ROLES AND RESPONSIBILITIES

3.1 The role of Council

- 3.1.1 Council is the owner of the Program. Council is responsible for the development, implementation, monitoring and auditing of the Program as part of its broader community safety program.
- 3.1.2 Council retains ownership and has copyright in all CCTV footage, CCTV images and any documentation produced by Council officers in respect of the CCTV program. Council will be responsible for the introduction and implementation of this policy and all supporting procedures relating to the Program.
- 3.1.3 Council will provide the NSW Police Force with a royalty-free, non-exclusive licence to download, copy, use and permanently retain any CCTV footage, CCTV images and any documentation produced by Council officers in respect of the Program, which is required for NSW Police Force, or court purposes.
- 3.1.4 Council will consult with, and provide relevant information to, members of the public about the operation of the Program and about any proposed changes to this policy. Council has primary responsibility for:

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

- a) Compliance with this policy and the SOPs;
- b) The maintenance, management and security of the Program;
- c) The protection of the interests of the public in relation to the Program.

3.2 The role of the NSW Police

- 3.2.1 As a key partner in the Program, the Liverpool Police Local Area Command has agreed to act in accordance with this policy. The NSW Police Force ~~will enter~~ has entered into a Memorandum of Understanding (MoU) with Council setting out the respective roles and responsibilities of each party in relation to the Program.
- 3.2.2 Authorised Police officers will have access to CCTV monitors and access to retrieve images subject to approval by Council (see 4.9: *Release of CCTV footage and/or recorded material*).
- 3.2.3 Police will participate in a CCTV Working Group to oversee the Program. Police will provide de-identified crime data, maps and/ or intelligence to assist with evaluation of the Program outcomes. Police will also participate in a CCTV Audit Committee, which will convene on an annual basis to review compliance with this policy and established SOPs in the operation of the Program.

4. OPERATIONAL INFORMATION

4.1 Operational boundaries

The area of operation shall be taken to be locations within the City Centre identified as having a higher crime risk or a specific need for CCTV coverage.

4.2 System description

- 4.2.1 The Program involves a number of cameras installed at locations throughout the City Centre. Cameras will be installed in areas within the City Centre that are identified as areas where crime is more likely to occur. These locations will be determined on the basis of crime statistics provided by the Police and other statistical data. Social, environmental and commercial considerations are also taken into account. "Dummy" cameras will not be used by Council.
- 4.2.2 Recorded footage can be retrieved by authorised members of Council staff and Police. All recorded footage is retained for 30 days, unless required in relation to:
 - a) The investigation of a crime;
 - b) Court proceedings;
 - c) A request for public information.

4.3 Authorised operation

- 4.3.1 All members of Council staff and Police authorised to operate, monitor and retrieve recorded footage and materials of the CCTV Program shall undertake their duties under the authority of Council and the Police, respectively, and shall receive appropriate training, including training in privacy requirements.
- 4.3.2 Operators of camera equipment will act in accordance with this policy, Council's Code of Conduct and related Council and Police policies. A breach of this policy by any member of Council staff or the Police will be dealt with in accordance with any relevant

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

legislation, staff agreements, awards, industrial agreements, contracts and policies, including codes of conduct.

- 4.3.3 Standard Operating Procedures (SOPs) will supplement this policy, providing clear instructions for authorised members of Council staff and the Police on all aspects of the operation of the program including duties, responsibilities and procedures to ensure adherence to the principles and purposes on which the Program is based.
- 4.3.4 The circumstances in which authorised Council staff and Police are able to access recorded footage will be carefully controlled by, and set out in, the SOPs and MoU.
- 4.3.5 Authorised members of Council staff will be responsible for the retrieval of recorded footage and the management of the Program. The duties and responsibilities of authorised members of Council staff include:
 - a) The operation and maintenance of the CCTV equipment and software;
 - b) Responding to requests from the Police relating to incidents and recorded material/ footage in accordance with the MoU;
 - c) Adherence to policies, rules of conduct and procedures;
 - d) Undertaking basic maintenance and housekeeping;
 - e) Reporting technical problems affecting the equipment to the nominated maintenance and service contractor appointed by Council.
- 4.3.6 The Police will be responsible for retrieval of CCTV images via the monitoring screen located on Police premises, subject to approval by an authorised Council staff member and adherence to this policy and the SOPs.

4.4 Use of equipment

- 4.4.1 Authorised members of Council staff and Police shall use all equipment in an acceptable manner at all times and shall report immediately any damage, deficiency or malfunction identified. Authorised members of Council staff and the Police will ensure the highest level of protection and care is exercised whilst using the equipment and property and shall take all prudent and reasonable actions necessary to protect the system against abuse, misuse, negligence, malicious damage and vandalism.
- 4.4.2 Equipment used for the Program shall be used in accordance with this policy, the SOPs and relevant Council policies. All authorised members of Council staff and Police will be trained in the use of all equipment in accordance with the SOPs.

4.5 Monitoring screen

The monitoring screen is the primary point for viewing and retrieval of footage and performing CCTV system checks. The monitoring screen shall only be accessed and utilised by authorised members of Council staff and the Police. Access to unauthorised persons will be restricted, unless authorised by the Chief Executive Officer.

4.6 Equipment operating manuals

Equipment operating manuals are for the use of authorised staff and maintenance staff only. The manual must not be copied or released to any third party.

4.7 Responding to an event or a criminal incident

- 4.7.1 In the event that an authorised member of Council staff observes footage and/or recorded material which reveals suspected criminal behaviour, the officer will:

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

- a) Refer the incident as soon as possible to their supervisor;
- b) Notify the Police as to the circumstances of any criminal event (if observed by Council);
- c) Ensure footage is secured, saved and marked appropriately in the event that it is required for legal purposes;
- d) Complete an incident report form.

4.7.2 If an authorised member of Council staff:

- a) Has requested the assistance of the Police or other emergency authorities;
- b) Has reported a safety hazard or risk;
- c) Is of the opinion that footage shows a significant incident,

an incident report is to be submitted to Council's Risk Management Coordinator.

4.7.3 When compiling incident reports the authorised member of Council staff shall ensure that the exact location, time, date and relevant particulars pertaining to the event are included in the incident report form. The incident report should include any action taken by the officer, including notification to the Police and/or other emergency authorities, if applicable.

4.8 Storage and security of CCTV footage

4.8.1 All recorded CCTV footage will be kept for a maximum of 30 days (recording cycle). After this period, footage will be overwritten.

4.8.2 Each authorised officer shall complete the necessary paperwork in the CCTV footage log each time a copy is made from the hard drive. All copies of recorded CCTV footage are to be kept in a securely locked cupboard, with access restricted to authorised personnel.

4.9 Release of CCTV footage and/ or recorded material

4.9.1 Access to CCTV footage and materials will only be provided to comply with:

- a) The requirements of the Police in relation to the investigation of crime or for the purpose of legal proceedings;
- b) A subpoena;
- c) A valid formal request for public information to which Council decides to provide access under section 58 of the *Government Information (Public Access) Act 2009*.

4.9.2 CCTV footage and/ or recorded materials shall only be released to authorised persons of Council or the Police if there is a specific requirement to verify an incident or event that has occurred. Requests must be submitted on a *Request for CCTV Footage* form within 21 days of an alleged incident. All requests will be dealt with in accordance with this policy, the SOPs, the *Privacy and Personal Information Protection Act 1998* and other relevant legislation and must be approved by Council's Privacy Contact Officer.

4.9.3 If any other organisation or individual makes a request for CCTV footage, this request should be made in accordance with the *Government Information (Public Access) Act 2009*. Such requests will be assessed in accordance with the Act.

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

4.9.4 Where there is insufficient information in a request for CCTV footage, the footage will not be released until the relevant details have been provided and the authorised Council officer is satisfied.

4.10 Viewing of CCTV footage on control monitor

4.10.1 Viewing of CCTV footage on the control monitors is restricted to authorised members of Council staff and the Police. Under no circumstances are unauthorised persons allowed to view CCTV footage from the control monitors.

4.10.2 Prior to allowing an authorised person to view CCTV footage, the member of Council staff or the Police responsible for monitoring the program shall record the name of the person(s), their position, department, contact details, and reasons for viewing the footage in the CCTV record log.

4.11 Release and security of CCTV hard drive

The CCTV hard drive of the CCTV system can only be released where a court subpoena has been issued on Council. The details of any such subpoena must be entered into Council's Subpoena Register.

4.12 Destruction of Recorded CCTV Footage

Copies of recorded CCTV footage may only be deleted or destroyed when authorised by Council's Records Coordinator in writing.

4.13 Loss or damage of recorded CCTV Footage

In the event that copies and/ or records of footage become damaged or lost for whatever reason, the authorised staff member shall immediately inform the CEO and submit an incident report form to Council's Risk Management Coordinator, setting out all details as to the cause and nature of such damage or loss.

4.14 Equipment failure

If any item of CCTV equipment is found to be defective, has failed, or is not working in accordance with its intended purpose, in addition to submitting an incident report form, the Risk Management Coordinator is to be contacted immediately, whether or not the failure is deemed to be of an urgent nature or not. If such failure or repair is deemed to be of an urgent nature, the authorised repairer/ contractor shall be contacted immediately by the Risk Management Coordinator.

4.15 Maintenance of CCTV equipment

4.15.1 CCTV equipment will be maintained by the authorised contracted company. The appointed contractor will work under the direct supervision of an authorised member of Council staff. All field visits by maintenance staff must be approved in advance and in writing by an authorised member of Council staff.

4.15.2 At any time that works are performed upon the system, including minor works, authorised members of Council staff are to perform a quality control check of all recording and camera equipment on completion of the works.

4.16 Confidentiality

Under no circumstances is any technical information relating to the Program, including the number of authorised members of Council staff and the Police, camera capability, police procedures and the like-, to be provided to any unauthorised person.

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

4.17 Record keeping

Records supplied as evidence and other program documentation will be retained in accordance with the *State Records Act 1998* and Council's records keeping policy and procedures.

5. INFORMATION AND COMMUNICATION

5.1 Signage

Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the City Centre covered by the system and at other key points. These signs will:

- a) Inform members of the public that cameras are in operation for the purposes of crime prevention and community safety;
- b) Identify Council as the owner of the system and provide a telephone number and website address for further information, inquiries, access or complaints;
- c) Stipulate that the CCTV cameras operate in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

5.2 Public awareness

5.2.1 Information explaining the introduction of the CCTV system will be promoted through media accessed by people who live and work in the Liverpool LGA. Information about the system will also be promoted via council's website and through other communications strategies utilised by Council.

5.2.2 Advice about the program has been provided to Council staff in accordance with the provisions of the *Workplace Surveillance Act 2005*.

5.3 Inquiries

Inquiries in relation to Council's Program and its operation can be made in writing to:

Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

5.4 Media enquiries

All media enquiries and statements regarding the Program are to be dealt with in accordance with Council's Media Representation Policy. Media enquiries relating directly to Police matters should be directed to the Liverpool Police Local Area Commander.

6. PROGRAM MONITORING AND REVIEW

A report that considers the findings of a compliance audit, an evaluation of program outcomes and a review of the program policies and guidelines will be prepared after six months of program commencement and every twelve months thereafter.

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

6.1 Compliance Audit

6.1.1 An audit will be conducted every 12 months to ensure the Program is being implemented in accordance with this policy and the SOPs. The audit will be undertaken by a CCTV Audit Team, including authorised representatives of Council and Liverpool Police, and will include a member of Council's Internal Audit Team. Each member of the audit team should be conversant with this policy and the SOPs.

6.1.2 The audit inspection shall include as a minimum a review of:

- a) All requests for CCTV footage within the period;
- b) All incident report forms completed during the period;
- c) CCTV footage storage provisions and procedures;
- d) CCTV footage deletion and destruction provisions and compliance;
- e) Compliance with all procedures and documentation as required.

6.1.3 To protect the privacy of members of the public, no member of the CCTV audit team will have the right to release information gathered as part of the audit process to any individual or organisation. CCTV footage held by Council which is considered to breach the privacy of any individual or indicate misuse of the system is to be placed into the custody of the Privacy Contact Officer of Council for appropriate action.

6.1.4 The audit team shall provide a written report to the CEO within 28 days of carrying out an audit, setting out any discrepancies, deficiencies or concerns uncovered as part of the audit. The CEO shall, upon receiving the CCTV audit report, take necessary action to remedy any deficiencies or inadequacies identified in the CCTV audit report and provide a report to Council in relation to such action.

6.2 Evaluation of Program outcomes

6.2.1 Council will conduct an evaluation of the Program outcomes in consultation with the Police every 12 months. The evaluation of the Program will include as a minimum:

- a) An assessment of its impact upon crime as demonstrated through reported crime rates pre and post system implementation;
- b) As assessment of its impact on detection and prosecution of offenders through consideration of number of retrievals of footage and the number of investigations and prosecutions supported by CCTV footage;
- c) An assessment of its impact upon neighbouring areas, giving consideration to potential displacement, as well as reduction of crime;
- d) The views of the public on the operation of the program as demonstrated through Council's customer feedback system, community consultation and other means;
- e) Whether the purpose for which the Program was established are still relevant.

6.2.2 The results of the evaluation will be provided to Council.

6.3 Review and/ or changes to the Program, policies and guidelines

The Program, this policy, the SOPs and MoU shall be reviewed on an annual basis by Council. This review is to be undertaken by the Manager Community Development and Planning and Council's Privacy Contact Officer in conjunction with Police and other relevant stakeholders. The review will consider the effectiveness of the Code, SOPs and MoU in supporting the Program to achieve maximum benefits for the community of Liverpool. A report based on the review will then be submitted to Council setting out any recommended changes to the policy or SOPs.

PUBLIC SAFETY CLOSED CIRCUIT TELEVISION (CCTV) POLICY

AUTHORISED BY

Council resolution

EFFECTIVE

27 July 2016

DEPARTMENT RESPONSIBLE

Community and Culture (Community Development and Planning)

REVIEW DATE

One year after the date of the adoption of this policy

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Corporate Services (Governance, Legal and Procurement)
NSW Police

VERSION

Version	Approved/ Amended by	Date	TRIM Number
Version 1	Council	23 December 2013	287626.2013-006
Version 2	Minor changes made by Group Manager Governance under delegation	28 July 2014	287626.2014-008
Version 3	Council	27 July 2016	174714.2016

REFERENCES

Australian Standard AS 4806.1-2006: Closed circuit television (CCTV)
Division of Local Government Circular M130-04 Protecting council use of CCTV cameras,
May 2013
Liverpool City Council: Code of Conduct
Liverpool City Council: Code of Conduct Procedures
Liverpool City Council: Community Safety and Crime Prevention Strategy 2013-2017
Liverpool City Council: Customer Feedback Policy
Liverpool City Council: Media Representation Policy
Liverpool City Council: Privacy Policy
NSW Attorney: General's Department (Crime Prevention Unit): NSW Government Policy
Statement and Guidelines for the Establishment and Implementation of Close Circuit
Television (CCTV) in Public Places, 2000