

Shire of Mundaring

POLICY

USE OF CLOSED CIRCUIT TELEVISION (CCTV)

Policy Ref:	OR-36		
Committee Rec:	ARC 6.12.21	Date:	December 2021
Adopted:	C 6.01.22	Date:	January 2022
Amended:		Date:	
Reviewed:		Date:	
Procedure Ref:	Admin-49 "Purchasing, operating and maintaining CCTV"		
Legislation Ref:	<i>Criminal Investigation Act 2006</i> <i>Surveillance Devices Act 1998</i> <i>Surveillance Devices Act 2004 (Cth)</i>		

PURPOSE

- To define Council's position on the use of CCTV;
- To ensure responsible management of Shire owned CCTV assets; and
- To ensure a consistent approach is taken to all CCTV installations in the Shire of Mundaring.

DEFINITIONS

Monitor means to watch or keep track of, usually for a special purpose.

Surveillance means to watch over someone or something. For the purposes of this Policy surveillance is the use of CCTV.

Incident means an occurrence of an action or situation.

GUIDING PRINCIPLES

1. Surveillance use must always be necessary, proportionate and for a legitimate purpose related to the activities of the organisation;
2. Individuals are entitled to a reasonable expectation of privacy in public places;
3. Surveillance operators must assess the impact of the proposed surveillance before it is undertaken;
4. Surveillance use must be consistent with applicable laws and standards;
5. Surveillance activities should be governed by policies, operating procedures and agreements;
6. Surveillance operators should undergo privacy training prior to use;
7. Surveillance operators must take reasonable steps to inform individuals of the use of surveillance devices;

8. The right of individuals to access their personal information should be respected;
9. Reasonable steps should be taken to secure equipment and protect information gathered through surveillance activities;
10. Disclosure of information gathered through surveillance activities should only occur where necessary for the stated purpose, or for a law enforcement purpose;
11. Information gathered through surveillance activities should be deleted once it is no longer required; and
12. Effective review and audit mechanisms should be in place to ensure legal requirements and policies are complied with, and that the program is meeting its intended objectives.

Source: Victorian Commissioner for Privacy and Data Protection (2017) *Guidelines to surveillance and privacy in the Victorian public sector* (V.01)

POLICY

1. Shire of Mundaring acknowledges that when used in isolation and not as part of a broader security and policing strategy, closed circuit television (CCTV) is likely to have a negligible effect on reducing crime and anti-social behaviour.
2. The Shire will only use CCTV to assist in –
 - a. Enhancing the safety of Shire staff, elected members and customers at Shire managed facilities;
 - b. Deterring behaviour likely to cause damage to Shire managed facilities;
 - c. Deterring crimes from being committed at Shire managed facilities; and/or
 - d. Investigating offences that have occurred at Shire managed facilities.
3. Shire of Mundaring will not use its CCTV for surveillance purposes other than where an employee, authorised by the Chief Executive Officer to operate the Shire's CCTV, has a reasonable belief that an incident is occurring or is likely to occur and –
 - a. It may lead to a breach of the law;
 - b. It appears that a person may be in physical distress; and/or
 - c. The situation is likely to cause a public disturbance.

Members of the public going about their lawful business will not be subject to surveillance.
4. Shire of Mundaring will ensure that appropriate signage is installed in areas where CCTV is used to inform members of the public that CCTV is in operation.
5. Where the Shire's CCTV captures reported activity of a criminal nature that activity will be reported to WA Police.
6. The Chief Executive Officer is responsible for the development and implementation of appropriate corporate guidelines for the operation of the Shire's CCTV systems, to ensure that –
 - a. CCTV is used ethically at all times;
 - b. Data collected using CCTV footage is managed in accordance with the relevant Federal and State legislation; and

- c. The risk of CCTV footage being misused is appropriately mitigated.
7. Complaints regarding the Shire's CCTV must be made in writing and will be addressed in accordance with the Shire's Complaints Management policy, procedure and guidelines.

Records Management

1. In accordance with the General Disposal Authority for Local Government Records, general CCTV footage must be retained for 31 days after the footage was taken, after which it can be over-written or destroyed.

Footage of incidents must be retained for 7 years after provision to an agency or after investigation.

Records of significant incidents must be retained for 5 years, then transferred to the State Records Office for State archives.

2. Members of the public and media organisations wishing to access CCTV footage are required to make an application under the *Freedom of Information Act 1992*.
3. Where State or Federal law enforcement agencies request a copy of footage captured on the Shire's CCTV for the investigation of possible criminal activity, the request must be made in writing.

Upon receipt of a written request from State or Federal law enforcement, the Shire will provide the relevant footage wherever possible.