

	COUNCIL POLICY	
	Closed Circuit Television (CCTV) Policy	
POLICY NO	077	
DEPARTMENT	Organisational Services	
PROGRAM	Governance & Safety	
ENDORSED BY COUNCIL	26 August 2020	Resolution ORD-2020-221

1.0 Scope

This policy applies to all Mackay Regional Council (MRC) controlled Closed Circuit Television Systems (CCTV), whether fixed or mobile.

The following systems do not fall within the scope of this policy:

- Remotely piloted aircrafts (Drones);
- Body worn cameras;
- Vehicle dashcams or reversing cameras.

2.0 Purpose

To provide a framework for the establishment and operation of MRC's CCTV systems to ensure they are managed effectively and in accordance with relevant legislation.

CCTV surveillance is provided at identified MRC facilities and sites to achieve the following objectives:

- Identify, manage, deter and/or reduce criminal or unlawful behaviour;
- Increase the safety and security of MRC work sites including employees, assets and contractors;
- To deter security incidents e.g. theft, vandalism, violence etc;
- For evidence in relation to an industrial relations matter;
- For evidence in relation to a criminal matter regarding Council property;
- Information to inform an insurance or safety investigation.
- As required under the *Liquor Act 1992* to meet liquor licencing conditions.

CCTV equipment (either fixed or mobile) is also used in public areas to achieve the following objectives:

- Monitoring of areas to gather evidence of compliance breaches such as illegal dumping and clearing etc;
- Identifying damage to traffic infrastructure;

- Motion activated cameras for pedestrian, traffic and vehicle analysis;
- General safety monitoring in public areas (including park and recreational reserves);
- Motor vehicle identification as part of mobile parking infringements monitoring;
- Public safety in the Mackay Safe Night Precinct in the Mackay CBD area, in conjunction with Queensland Police Service (QPS);
- Part of operations at leased/contractor operated sites e.g. recycling facilities, sewerage plants etc. where access restrictions and site security are in place; and
- Monitoring waste collection vehicles.

3.0 Reference

- *Crime and Corruption Act 2001*
- *Information Privacy Act 2009 (Qld)*
- *Liquor Act 1992*
- *Privacy Act 1988 (Cth)*
- *Public Records Act 2002*
- *Right to Information Act 2009 (Qld)*
- CCTV Code of Ethics & Code of Conduct - Australian Security Industry Association Ltd
- Australian Standard Set AS40806 – Closed Circuit Television (CCTV)
- Office of Information Commissioner - *Guideline "Camera Surveillance and Privacy"*
- Office of Information Commissioner - "*Checklist for Camera Surveillance Systems*"
- Mackay Regional Council Confidentiality Policy
- Mackay Regional Council Code of Conduct
- Mackay Regional Council Disciplinary Procedure Policy
- Mackay Regional Council Information Privacy Policy
- Mackay Regional Council Right to Information Policy
- The Provision and Use of Recording Devices Policy
- Illegal Dumping & Littering Policy
- Remotely Piloted Aircraft (Drones) Policy

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Asset Owner shall be the program manager responsible for that asset to which CCTV cameras are attached.

Building & Facility Working Group has been established to provide a safe and security environment across MRC properties and to oversee the operational framework for the management of CCTV systems including:

- the management of the CCTV cameras and their location;
- the storage, recording and maintenance of the security access system and ensuring that only authorised persons are permitted access;
- monitoring of the CCTV and access systems to ensure a high standard of security is being provided;
- data and information management of CCTV systems.

CCTV shall mean Closed Circuit Television systems. Cameras strategically placed to record activity of any nature within a defined area.

Contractor shall mean an approved business (and its representatives) engaged by MRC to provide professional goods and/or services

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Councillor shall mean a Councillor of a Mackay Regional Council within the meaning of the *Local Government Act 2009*, includes the Mayor.

Employees shall mean all persons employed at Mackay Regional Council on a permanent, temporary, volunteer or casual basis and may include persons engaged under a contract of service.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

IPA shall mean information privacy.

IPP shall mean information privacy principals referred to in the *Information Privacy Act 2009*.

Law Enforcement Agency shall mean any of the following:

- (a) The Queensland Police Service
- (b) The Crime and Corruption Commission;
- (c) any other agency, to the extent it has responsibility for:
 - (i) the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or
 - (ii) the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or
 - (iii) the enforcement of a law, or of an order made under a law, relating to the confiscation of the proceeds of crime; or
 - (iv) the execution or implementation of an order

Mackay Safe Night Precinct shall mean Mackay's Central Business District encompassing an area between Milton to Tennyson Streets and River to Shakespeare Streets (Please refer to attached map).

MRC shall mean Mackay Regional Council.

MRC Facility shall mean premises, or any MRC property, which is visited by members of the general public, where employees or contractors work, or any part of such premises or property.

Prohibited Areas shall mean an area of restricted access that has been identified as high-risk security areas. (e.g. Client Service).

Public Area shall apply to an area accessible to the public that is not included in an MRC facility. This would apply to areas such as roadways, parks, boat ramps Mackay Safe Night Precinct, bushland etc. all of which could be within a CCTV field of view and capture images that could identify an individual.

QPS shall mean Queensland Police Service.

RTI Request shall mean an application for information under the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

SLPT shall mean Strategy Leadership Performance team (members consist of the CEO, Directors, Executive Officer and Legal Counsel).

Traffic infrastructure shall mean MRC traffic assets i.e. traffic lights.

Visitor shall mean invited guest to MRC buildings/facilities by an employee.

5.0 Background

MRC strives to provide a safe and secure environment for residents, visitors and employees by installing CCTV cameras in public spaces and MRC controlled facilities and land.

MRC controlled facilities and land includes, but is not limited to administration centres, swimming pools, recreational parks and reserves, libraries, depots, traffic infrastructure, waste depots, reservoirs, boat ramps, water and sewer treatment facilities.

Human Rights have been considered when preparing this Policy.

6.0 Policy Statement

MRC will operate its CCTV cameras in accordance with the following requirements:

6.1 Roles and Responsibilities

SLPT is responsible for:

- approval for the new installation of CCTV monitoring systems;
- ensuring compliance with this policy, including compliance by employees and contractors engaged to work on the system.

Building and Facility Working Group will be responsible for:

- Reviewing all applications for the installation of CCTV systems and providing recommendations to SLPT.

A business case is required for all new CCTV Systems which is to include a completed [privacy impact assessment](#) and a [checklist for camera surveillance systems](#).

- Establishing and overseeing the operational framework for the management of CCTV systems including:
 - (i) the management of the CCTV cameras and their location;
 - (ii) storage, recording and maintaining the security access system and ensuring that only authorised personnel are permitted access;
 - (iii) assess the CCTV and access systems to ensure they continue to provide security of a high standard;
 - (iv) the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison and compliance with the policy;
 - (v) data management and information management of CCTV systems;
 - (vi) the upkeep, maintenance and performance of CCTV systems.

Asset Owner will be responsible for:

Operating under the management framework set by the Building and Facilities Working Group including but not limited to:

- The access to live and retrieval of recorded footage for CCTV footage requests relating to CCTV systems under their control; and
- Maintenance and performance of CCTV services under their control.

6.2 Collection of CCTV Footage

1. Under the *Information Privacy Act 2009* (IPA), personal information is any information or opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
2. When the CCTV cameras record an image, they are recording personal information. Pursuant to the IPA, MRC as a government body has to ensure that it complies with the Information Privacy Principles (IPP).

In accordance with IPP 1-3, MRC will only collect information where it is for a lawful purpose and it is relevant to the purpose of collection.

3. Members of the public are able to access information about why information is being collected and who it is intended to disclose it to through the placement of collection notices at the CCTV site.

Each fixed CCTV site has been selected based on criteria that ensure collection of information is not unnecessarily intrusive and will best achieve the purpose of the collection. Fixed CCTV cameras will be placed so as not to be unnecessarily intrusive.

4. From time to time, covert surveillance CCTV systems may be used for regulatory compliance matters. Footage collected during this surveillance will be used for enforcement matters only. Due

to the nature of this surveillance, normal collection notices will not be displayed.

5. MRC will endeavour to ensure the accuracy of the personal information with accurate meta data recorded with the footage where possible (including date and time).

6.3 Retention and Storage of CCTV Footage

Footage captured by CCTV will be retained for a specified time as determined by the system's storage capabilities as follows:

- All footage collected will be managed in accordance with the provisions of the *Privacy Act 1988 (Cth)*, *Information Privacy Act 2009 (IPP 4)* and *Right to Information Act 2009* and the relevant MRC policy relating to the control of private and confidential information.
- All persons involved in the operation of the CCTV system are to exercise care to prevent improper disclosure of material.
- Signage will be displayed at all entry points to the CCTV camera monitoring area. This signage will notify anyone entering MRC facilities that CCTV systems operate within the facility. The system will operate in a manner that is sensitive to the privacy of people working or visiting the area or facility.
- Persons authorised to access the operations of the cameras will receive training in the varying degrees of privacy afforded by MRC, public, semi public and private premises within a mixed MRC workplace and public access domain such as swimming pools, libraries and recreational parks and gardens.
- Any footage requests or requests for child related incidents are to be retained in accordance with Queensland State Archives retention requirements in relation to such records.

6.4 Requests for CCTV Footage

MRC will only disclose personal information in accordance with the purpose for which it was obtained.

MRC may disclose personal information in the following circumstances:

- a) To the Queensland Police Service for law enforcement services;
- b) Where required to or compelled by law;
- c) Under an Information Privacy Act request;
- d) Under a Right to Information request;
- e) Investigation of a safety incident or employee related matter;
- f) In case of emergency or serious threat to the life, health, safety or welfare of an individual or to the public, MRC may provide CCTV footage which may include personal information to agencies other than the Queensland Police Services. Such agencies however will be limited to those agencies responding to or assisting with

disaster management, such as the Queensland Fire and Rescue Service or the State Emergency Services.

Asset Owners are authorised to approve the release of CCTV footage. All internal requests for CCTV footage will be directed to the Asset Owner.

All other requests by third parties for access to security data or CCTV footage must be made by a formal RTI request under the *Information Privacy Act 2009* and *Right to Information Act 2009*.

6.5 Security of CCTV Equipment and Images

Only people who have received training on information privacy commensurate to their level of access and the risk will have access to CCTV systems; this includes Asset Owners, employees and contractors;

Measures must be taken to protect against unauthorised access, alteration, dissemination, disclosure, loss or destruction of recorded material; and

Relevant recordkeeping practices must be applied.

6.6 Liquor Licencing Requirements

MRC facilities which hold a liquor licence must comply with all legislative CCTV requirements in accordance with the *Liquor Act 1992* and as determined by the Office of Liquor and Gaming Regulation.

6.7 Complaints

Any complaints in relation to Council's CCTV operation or usage will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

Complaints may be made as following:

In writing to

Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

6.8 Human Right Complaints

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the *Human Rights Act 2019*.

7.0 Review of Policy

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Review of Policy	Major rewrite of Policy	Council	26.08.2020

Mackay Safe Night Precinct Location Map

