



Croydon Shire Council

Closed Circuit Television (CCTV) Policy

Document Control

Responsible Officer:

Chief Executive Officer

CEO Signature:

Date:

Category (tick):

- ☒ **Policy** *Council resolution required*
☐ **Procedure** *CEO approval required*
☐ **Guideline** *CEO approval required*

| Approval date | Head Policy # | Reference Number | Reason/Comment | Next review |
|----------------------|----------------------|-------------------------|-----------------------|--------------------|
| 22 February 2024 | NA | POL STRAT 17 | New Policy | 21/02/2026 |
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Policy Statement

1. Croydon Shire Council owns closed circuit television facilities in its local government area, in order to collect CCTV footage for the security of Council assets. This policy will set out the principles governing the establishment and management of Councils CCTV systems.

Purpose of Policy

2. This Policy:
 - (a) sets out the lawful purposes for which CCTV facilities may be installed and CCTV footage collected
 - (b) sets out how CCTV facilities and footage may be accessed;
 - (c) summarises the ways in which CCTV footage may be collected, used, disclosed, stored and disposed of; and
 - (d) summarises the process for resolving complaints about the installation and use of Council's CCTV systems.

Scope of Policy

3. This Policy applies across Council:
 - to any CCTV system installed and owned and operated by Croydon Shire Council at any location within the Croydon Shire Council local government area, whether as one fully integrated system linking all sites across the shire or as separate individual stand-alone systems, and includes both mobile and fixed CCTV equipment.

Lawful purposes

4. Under the Local Government Act 2009 ("LGA"), Council has a broad power to do anything it considers necessary or convenient for the good rule and local government of its local government area.
5. Where CCTV footage may contain personal information, Council must collect that footage for a lawful purpose in compliance with the Information Privacy Act 2009 ("IP Act") and the Information Privacy Principles ("IPPs"), which are contained in the IP Act.
6. The lawful purposes for which Council may collect CCTV footage include:
 - (a) to monitor and assist in the enforcement of Council's local laws and other legislation in respect of which Council has jurisdiction;
 - (b) ensure compliance with Work Health and Safety laws, policy and procedure;
 - (c) fraud detection;

- (d) to assist law enforcement agencies such as the Queensland Police Service in obtaining evidence and prosecuting offences;
 - (e) to enhance the safety and security of Council staff, the community generally and Council assets, including security at remote locations that are unmanned outside of normal business hours and critical infrastructure, essential services and systems.;
 - (f) Obtain information in relation to road conditions, for example, the monitoring of water levels at river and creek crossings to determine if roads remain traversable;
 - (g) If an incident occurs, or is reported to Council, to review the CCTV footage data to identify if there has been any actions by Council staff, visitors, contractors or other parties in breach of their employment contracts, works contracts, Council policy or procedure, Council's local laws or other legislation, and to gather evidence in respect of those breaches for the purposes of ascertaining if disciplinary action needs to be taken.
7. Council will not collect CCTV footage for unlawful or unfair purposes. Examples of unlawful or unfair purposes may include:
- (a) where the collection is contrary to section 227A of the *Criminal Code* (Qld).
 - (b) where the collection is not for a lawful purpose.;
 - (c) where the collection unduly infringes on an individual's right to privacy, and is in contravention of the IP Act;
 - (d) where the CCTV installation monitors private property, without the permission of the occupier of that property.
8. Council will, where practicable and appropriate, install signs within the vicinity of a CCTV installation to disclose the existence of the installation.
9. Council will ensure that any installation of CCTV facilities in its local government area is for a lawful purpose.

Access to CCTV installations and footage

10. Only the following entities are authorised to access Council's CCTV installations and CCTV footage:
- (a) an Authorised Person of Council, who may be one of the following:
 - i) the Chief Executive Officer; or
 - ii) a person authorised in writing by the Chief Executive Officer.
 - (b) a person or entity that is authorised by an Authorised Person. This may include a

contractor engaged to operate and manage the CCTV facilities;

- (c) another person or entity authorised to access the information under the IP Act and the IPPs, for example a law enforcement agency such as the Queensland Police Service.

11. Access to CCTV installations and to CCTV footage will only be permitted by Council if that access is lawful under the IP Act and the IPPs.
12. To avoid doubt, live monitoring of CCTV footage does not occur within Council. CCTV footage is automatically collected via cloud-based and onsite recording, and only accessed retrospectively for a lawful purpose (see clauses 4-9 herein) by an Authorised Person of Council (see clause 10 herein).

Disposal of CCTV footage

13. CCTV footage obtained by Council is a “public record” under the Public Records Act 2002 (“PRA”).
14. Council, as a public authority under the PRA, must ensure that the CCTV footage is kept in accordance with the PRA.
 - (a) Where possible, recording equipment attached to any Council CCTV system will be set to a maximum 30 day overwrite cycle, meaning that data recorded (the primary image) will be available for retrieval and viewing for a period of up to 30 days after it has been initially captured and after that period will then be overwritten (erased) by new data captured by the CCTV cameras. This period may be reduced, based on the capacity of the system's storage device. In some instances, this period may not be user configurable and will default to the setting defined by the system.

The exception to the above is:

- where the recorded data contains images relevant to an incident in respect of which a Police investigation has been, or is to be, undertaken and the surveillance data is, or may be, required for evidentiary purposes in a Court proceeding.
- where the recorded data contains images relevant to a breach of Council's local laws, or any other incident that requires further investigation, and Council may institute legal proceedings against the person/s who committed the breach.
- where a valid application has been received for disclosure of data that is still within the applicable retention period and additional time is required to process the application and/or having processed the application, it is deemed appropriate to disclose the requested data to the applicant.
- Where data captured for the purpose of road/traffic management is required for future planning and design of Council's road network and traffic management systems.
- Where Council has made the decision to disclose data to an external entity, such as the media.
- where a potential breach of contract, policy or procedure is identified, and an investigation is instituted – data may be retained until the investigation is finalised and such other period as investigation related evidence must be kept to support decisions made by Council (i.e. termination etc.).

Where data is required to be kept for the purposes outlined above, it will be transferred from the NVR onto Council's approved Electronic Document Records Management System or, should the data size exceed the practical capacity to transfer/store the data on this system, retained on an appropriately secured storage device, and thereafter dealt with in accordance with the relevant current retention and disposal schedule issued by the State Archivist.

Where practical and possible, data that is retained shall only include that section of the NVR recording which shows the incident occurring with only those images prior to and after the incident necessary to show the incident as a whole.

Dealing with complaints about CCTV systems

15. In the first instance, the Chief Executive Officer will deal with complaints about Council's CCTV systems, including any complaints about unauthorised disclosures in accordance with Council's Complaint Managements Policy (Privacy complaint).
16. Council's Chief Executive Officer may delegate authority to deal with complaints to another officer of Council, or may refer the complaint to an appropriate third party organisation (for example, the Office of the Information Commissioner).

PROCEDURE

17. This Policy has been prepared by reference to, and should be read along with:
 - (a) Council's Code of Conduct;
 - (b) Council's Complaints Management Policy;
 - (c) Council's Privacy Policy;
 - (d) the Local Government Act 2009 and Local Government Regulation 2012;
 - (e) the Information Privacy Act 2009 and the Information Privacy Principles.

BREACHES

Breaches of this policy should be reported to the Chief Executive Officer or the Mayor.

In the case of breaches by a Councilor, Mayor or Deputy Mayor, breaches should be reported to the Chief Executive Officer.

Confirmed breaches will be dealt with in accordance with council's Performance and Misconduct Policy and/or Local Government Act and Regulations.

AUTHORISATION

This page and the previous bearing my initials were duly authorised by Council as Croydon Shire Council CCTV Policy on 22 February 2024 and shall hereby supersede any previous policies of the same intent.
