

	POLICY NUMBER:	P12
	WORKPLACE SURVEILLANCE POLICY	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	NT LG ACT 2019 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

INTRODUCTION

Surveillance systems are installed on the Wagait Shire Council assets including the Council Office, Community Centre, the Works Shed, Cloppenburg Park and Council vehicles.

1. PURPOSE OF POLICY

- 1.1. Surveillance devices may be deployed within the workplace in order to protect the assets and equipment of the Wagait Shire Council and improve community and employee safety. The Council is committed to:
 - 1.1.1. Providing a safe environment for its employees and the community in which unlawful, antisocial, and inappropriate activity is kept to a minimum while respecting individual rights to privacy.
 - 1.1.2. Complying with the requirements of the relevant legislation including the *NT Surveillance Devices Act 2007* (Surveillance Devices Act) and the *NT Information Act (2002)*.
 - 1.1.3. Explaining to employees, contractors, visitors and volunteers (collectively referred to as employees in this policy) the circumstances when workplace surveillance will be undertaken at the Local Government.

2. SCOPE

- 2.1. The scope of this policy is to regulate the use of any workplace surveillance devices and associated technology in the monitoring of both the internal and external environs of public and workplace facilities and assets owned or managed by Wagait Shire Council.
- 2.2. This policy relates directly to the location and use of the workplace surveillance and monitoring, recording and subsequent use of such recorded material.
- 2.3. This policy applies to the public and all employees engaged or appointed by the Shire Council while on the Local Government's premises or while engaged in Shire Council related activities.
- 2.4. This policy constitutes a lawful instruction to employees. Any breach of this policy may lead to disciplinary action including, but not limited to, termination of employment or engagement with the Local Government.

3. DEFINITIONS

Closed-Circuit Television (CCTV)	refers to the use of closed-circuit television cameras to capture and transmit a signal to a specific place using a limited number of monitors. These monitors may be fixed or may be mobile.
The Information Privacy Acts	confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling personal data. Council staff must comply with the provisions of the Acts when collecting and storing personal information. This applies to personal information relating both to employees of the organisation and individuals who interact with the organisation
Data (processing, processor, controller, subject)	information in a form that can be processed. It includes automated or electronic data - any information on computer or information recorded with the intention of putting it on computer; and manual data - information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
Personal Data	relates to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.
Access Request	this is where a person makes a request to the organisation for the disclosure of their personal data under Section 3 and/or section 4 of the Data Protection Acts.

4. SURVEILLANCE DEVICES

4.1. Optical surveillance devices

- 4.1.1. The Shire Council may deploy fixed and mobile optical surveillance devices, including closed circuit TV cameras (**CCTV**) or video cameras, to monitor or record activities on Shire Council premises. Surveillance devices may be installed by the Shire Council in areas where assets or equipment are stored or commonly used, outside Shire Council buildings or in high-risk work areas.

- 4.1.2. Surveillance devices will be installed in a location where they are clearly visible and the Shire Council will erect signs to inform employees and community members that surveillance devices are in use. Surveillance devices will not be placed inside bathrooms, change rooms, residences, or in such a position as to view inside these premises.

4.2. Tracking devices

- 4.2.1. Global positioning systems (GPS) or tracking devices may be utilised in vehicles or equipment for the purpose of monitoring and recording geographical location or movement.
- 4.2.2. The Shire Council may install a GPS or tracking device where:
- the operator/driver of a vehicle or equipment is required to work alone
 - there are safety or other risks associated with the tasks being carried out by an employee, or
 - there is a need to monitor and protect specific assets or equipment.
- 4.2.3. Vehicles or equipment with GPS or tracking devices fitted will have a sticker stating that such a device has been fitted.

5. POLICY

5.1. General Principles

- 5.1.1. The Wagait Shire Council as the corporate body has a statutory responsibility for the protection of its property, equipment and other plant as well providing a sense of security to its employees, and invitees to its premises. The Wagait Shire Council has a duty of care under the provisions of Safety, Health and Welfare at Work Act and associated legislation such as the Privacy Act and utilises surveillance systems and their associated monitoring and recording equipment as an added mode of security and surveillance for the purpose of enhancing the quality of life of the Council and community by integrating the best practices governing the public and private surveillance of its premises.
- 5.1.2. The use of the CCTV system will be conducted in a professional, ethical and legal manner and any diversion of the use of CCTV security technologies for other purposes is prohibited by this policy e.g. CCTV will not be used for monitoring employee performance.
- 5.1.3. Information obtained through the CCTV system may only be released when authorised by the CEO following consultation with the President of the Council. Any requests for CCTV recordings/images from the Police will be fully recorded and legal advice will be sought if any such request is made. (See "Access" below). If a law enforcement authority, is seeking a recording for a specific investigation, it may require a warrant and accordingly any such request made by Police should be requested in writing and the Council may seek legal advice.

- 5.1.4. CCTV monitoring of public areas for security purposes will be conducted in a manner consistent with all existing policies adopted by the Council.
- 5.1.5. This policy prohibits monitoring based on the characteristics and classifications contained in equality and other related legislation e.g. race, gender, sexual orientation, national origin, disability etc.
- 5.1.6. Video monitoring of public areas for security purposes within Council premises is limited to uses that do not violate the individual's reasonable expectation to privacy.
- 5.1.7. Information obtained in violation of this policy may not be used in a disciplinary proceeding against a workplace participant or a customer attending any of Councils facilities.
- 5.1.8. All CCTV systems and associated equipment will be required to be compliant with this policy following its adoption by the Council. Recognisable images captured by CCTV systems are 'personal data'. They are therefore subject to the provisions of the Information Privacy Act.

6. JUSTIFICATION FOR USE OF CCTV

The Information Privacy Acts requires that data is adequate, relevant and not excessive for the purpose for which it is collected. This means that Council needs to be able to justify the obtaining and use of personal data by means of a CCTV system. The use of CCTV to control the perimeter of the buildings for security purposes has been deemed to be justified by the Council. The system is intended to capture images of intruders or of individuals damaging property or removing goods without authorisation.

7. LOCATION OF CAMERAS

The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy would be difficult to justify. Council has endeavoured to select locations for the installation of CCTCV cameras which are least intrusive to protect the privacy of individuals. Cameras placed so as to record external areas are positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.

8. COVERT SURVEILLANCE

Wagait Shire Council will not engage in covert surveillance.

9. NOTIFICATION and SIGNAGE

The CEO will provide a copy of this Workplace Sureveillance Policy on request to staff, Councillors and visitors. Notification will include a contact number for those wishing to discuss CCTV monitoring and location of CCTV cameras. Adequate signage will be placed at each location in which CCTV camera(s) is sited to indicate that CCTV is in operation and at the entrance to Council property. Appropriate locations for signage will include at entrances to premises i.e. external doors, workshop gates.



10. RETENTION OF DATA

- 10.1. Images and data recordings that indicate unauthorised or inappropriate activity, either through a record of that activity or due to interference with the surveillance device, are to be referred to the Chief Executive Officer (CEO) and the President for investigation. The CEO will retain the images and/or data and any associated information in a secure and confidential location.
- 10.2. The images or data recordings captured by the surveillance system will be retained for a maximum of 28 days, except where the image identifies an issue and is retained specifically in the context of an investigation/prosecution of that issue, in line with the requirements of the *Information Privacy Act*.
- 10.3. The images/recordings will be stored in a secure environment with a log of access kept. Access will be restricted to authorised personnel. Supervising the access and maintenance of the surveillance System is the responsibility of the CEO. The CEO may delegate the administration or maintenance of the CCTV System to another staff member or an authorised contractor. In certain circumstances, the recordings may also be viewed by other individuals in order to achieve the objectives set out above (such individuals may include the Police, the President/Vice President). When surveillance recordings are being viewed, access will be limited to authorised individuals on a need-to-know basis.

- 10.4. Surveillance data will be stored in a secure environment with a log of access to tapes kept. Access will be restricted to authorised personnel. Similar measures will be employed when using disk storage, with automatic logs of access to the images created.

11. ACCESS

- 11.1. Surveillance data records and the surveillance equipment will be securely stored in a restricted area. Unauthorised access to that area will not be permitted at any time. The area will be locked when not occupied by authorised personnel. A log of access to surveillance data records will be maintained.

- 11.2. Access to the surveillance equipment and surveillance data records will be restricted to authorised personnel only, and in relevant circumstances. Surveillance data records may only be accessed:

- 11.2.1. By Police where Wagait Shire Council are required by law to make a report regarding the commission of a suspected crime; or

- 11.2.2. Following a request by Police when a crime or suspected crime has taken place and/or when it is suspected that illegal/anti-social behaviour is taking place on Council property; or

- 11.2.3. To data subjects (or their legal representatives), pursuant to an access request where the time, date and location of the recordings is furnished to Council; or

- 11.2.4. To individuals (or their legal representatives) subject to a court order; or

- 11.2.5. To Council's insurance company where the insurance company requires same in order to pursue a claim for damage done to the insured property.

11.3. Police Requests

- 11.3.1. Information obtained through video monitoring will only be released when authorised by the CEO following consultation with the President. If police request CCTV images for a specific investigation, Police may require a warrant and accordingly any such request made by Police should be made in writing and the school/ETB should immediately seek legal advice.

11.4. Access Requests

- 11.4.1. On written request, any person whose image has been recorded has a right to be given a copy of the information recorded which relates to them, provided always that such an image/recording exists i.e. has not been deleted and provided also that an exemption/prohibition does not apply to the release. Where the image/recording identifies another individual, those images may only be released where they can be redacted/anonymised so that the other person is not identified or identifiable. To exercise their right of access, a data subject must make an application in writing to the CEO of the Council. The

Council may charge for responding to such a request and must respond within 40 days.

11.4.2. A person should provide all the necessary information to assist Council in locating the CCTV recorded data, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data and may not be handed over.

11.4.3. In giving a person a copy of their data, the Council may provide a still/series of still pictures, a tape or a disk with relevant images. However, other images of other individuals will be obscured before the data is released.

12. RESPONSIBILITIES

The Council Chief Executive Officer is responsible to:

- a) Ensure that the use of CCTV systems is implemented in accordance with the policy set down by Wagait Shire Council.
- b) Oversee and co-ordinate the use of CCTV monitoring for safety and security purposes within Wagait Shire Council.
- c) Ensure that all existing CCTV monitoring systems will be evaluated for compliance with this policy.
- d) Ensure that the CCTV monitoring at Wagait Shire Council is consistent with the highest standards and protections.
- e) Review camera locations and be responsible for the release of any information or recorded CCTV materials stored in compliance with this policy.
- f) Maintain a record of access (e.g. an access log) to or the release of tapes or any material recorded or stored in the system.
- g) Ensure that monitoring recorded tapes are not duplicated for release.
- h) Ensure that the perimeter of view from fixed location cameras conforms to this policy both internally and externally.
- i) Will provide a list of the CCTV cameras locations and the associated monitoring equipment and the capabilities of such equipment to Council for formal approval.
- j) Approve the location of temporary cameras to be used during special events that have particular security requirements and ensure their withdrawal following such events.
- k) Give consideration to feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment
- l) Ensure that all areas being monitored are not in breach of an enhanced expectation of the privacy of individuals and be mindful that no such infringement is likely to take place
- m) Advise the Council that adequate signage at appropriate and prominent locations is displayed as detailed above.
- n) Ensure that external cameras are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with the principle of "Reasonable Expectation of Privacy".
- o) Ensure that monitoring tapes are stored in a secure place with access by authorised personnel only.

- p) Ensure that images recorded on tapes/DVDs/digital recordings are stored for a period not longer than 28 days and are then erased unless required as part of a criminal investigation or court proceedings (criminal or civil) or other bona fide use as approved by the by the CEO or president on behalf of the Council.
- q) Ensure that when a zoom facility on a camera is being used, there is a second person present with the operator of the camera to guarantee that there is no unwarranted invasion of privacy.
- r) Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc. and not to monitor individual characteristics.
- s) Ensure that camera control is not infringing an individual's reasonable expectation of privacy in public areas.

13. ASSOCIATED DOCUMENTS

P05 Code of Conduct

P31 Dispute Resolution, Counselling, Disciplining and Dismissal

P33 Work Health and Safety

P50 Fraud and Corruption Protection

Wagait Shire Council Employees Handbook

14. REFERENCES AND LEGISLATION

- NT Information Act 2002
- NT Surveillance Devices Act 2007
- Australian Standard 4806.1 – Closed Circuit Television (CCTV) Management and Operation – Code of Practice
- Australian Standard 4806.2 – Closed Circuit Television (CCTV) Application Guidelines
- Information Standards IS40 – Recordkeeping
- Information Standards IS40 – Retention and Disposal of Public records

15. REVIEW HISTORY

Date Approved: 17 November 2020	Approved By Council: Moved: President Neil White Seconded: Vice-President Tom Dyer Vote: AIF	Resolution No. 2020/ 182	Date for review: November 2022
Date Approved: 15/02/2022	Approved By Council: Moved: Vice President Tom Dyer Seconded: Cr Michael Vaughan Vote:	Resolution No. 2022/034	Date for review: February 2024