

1 Policy History

| Revision No. | Council Meeting Date | Minute No. | Adoption Date |
|--------------|----------------------|------------|---------------|
| 1 | 12/08/2008 | 0325 | 12/08/2008 |
| 2 | 27/01/2018 | 15/005 | 27/01/2018 |
| 3 | 13/02/2018 | 18/046 | 16/03/2018 |
| 4 | 28/11/2023 | 23/275 | 02/01/2024 |

2 Policy Objective

CCTV can be effective in reducing or preventing crime if it is part of a broader crime prevention and community safety strategy. CCTV can bring benefits to the community through a reduction in crime which can lead to enhanced perceptions of safety in a particular area.

CCTV is one of several initiatives designed to assist in preventing crimes in the Griffith Local Government Area. It assists the Council and the NSW Police Force to work together to help provide a safer environment, reduce crime levels by deterring potential offenders and aid crime detection and apprehension of offenders.

This Code of Practice has been developed by Griffith City Council, in consultation with the NSW Police Force. The NSW Government's Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places has been used as the basis to develop the Code of Practice and Griffith City Council's CCTV Program.

The Code of Practice contains the basic standards according to which Griffith City Council's CCTV Program will be operated. It is supplemented by confidential Standard Operating Procedures (SOP) on the day to day operation of the program.

The first phase of the CCTV Program is funded by the Australian Government Attorney General's National Community Crime Prevention Program.

3 Policy Statement

3.1 Key Principles

3.1.1 The Code of Practice is based on 14 key principles. In each section the key principle is stated, followed by further explanatory information.

3.1.2 The key principles are as follows:

Principle 1

The CCTV Program will be operated fairly, within applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The CCTV 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.

Principle 3

The public interest in the operation of the CCTV Program will be recognised by ensuring the security and integrity of operational procedures.

Principle 4

Griffith City Council has primary responsibility for compliance with the purposes and objectives of the CCTV Program, for the maintenance, management and security of the Program, and the protection of the interests of the public in relation to the Program.

Principle 5

As a partner to Griffith City Council CCTV Program, the NSW Police Force will act in accordance with the Code of Practice.

Principle 6

The Council will be accountable to the public for the effective operation and management of the CCTV Program.

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Griffith City Council's CCTV Program.

Principle 8

Regular monitoring and evaluation of the CCTV Program will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

Principle 9

Staff employed to work in the CCTV control room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the CCTV control room will be restricted to authorised staff and their managers as stated in the SOP and the control room will be protected from unauthorised access.

Principle 11

Information recorded will be relevant and not exceed that necessary to fulfil the purposes of the CCTV Program.

Principle 12

Information will be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

Principle 13

The retention of, and access to photographs and recorded material will be only for the purposes provided by this Code of Practice. Recorded material will be retained for 31 days unless they are required in relation to the investigation of crime or for court proceedings. Recorded material no longer required will be disposed of using approved methods.

Principle 14

Contact related to the CCTV Program between Griffith City Council's staff and the Police, will be conducted strictly in accordance with the Code of Practice.

3.2 Changes to the Code of Practice

A major change to this Code of Practice will take place only after consultation with the NSW Police Force and be approved by the General Manager of Griffith City Council. A major change is a change which will have a significant impact upon the operation of the system or the Code of Practice. For example, a change to the purposes of the programme or the key principles of this code.

Any minor changes to the CCTV Program or to the Code of Practice may be made by the General Manager or his/her delegate(s). A minor change is such as may be required for the purposes of an adjustment of the operations of the program or clarification of the CCTV Program or the Code of Practice.

3.3 Purpose**Principle 1**

The CCTV Program will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The CCTV 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.

Principle 3

The public interest in the operation of the CCTV Program will be recognised by ensuring the security and integrity of operational procedures.

3.3.1 The primary purpose of Griffith City Council's CCTV Program is to assist in the prevention of crimes against the person, particularly the following:

- (i) armed robbery;

- (ii) robbery with wounding;
- (iii) robbery in company of others;
- (iv) extortion;
- (v) assault;
- (vi) act of terrorism
- (vii) assault occasioning grievous bodily harm;
- (viii) assault occasioning actual bodily harm;
- (ix) sexual assault; and
- (x) aggravated sexual assault.

3.3.2 The secondary purpose of the CCTV Program is to assist in the prevention of other serious criminal offences, particularly the following:

- (i) steal motor vehicle;
- (ii) steal from motor vehicle;
- (iii) other steal;
- (iv) break and enter;
- (v) malicious damage to property;
- (vi) firearm offences;
- (vii) receiving stolen goods; and
- (viii) dealing, trafficking in drugs.

3.3.3 The objectives of the CCTV Program are:

- (i) to reduce crime levels by deterring potential offenders;
- (ii) to reduce fear of crime;
- (iii) to help ensure a fast, effective police response in emergency situations;
- (iv) to assist in the detection and prosecution of offenders; and

- (v) to help secure a safer environment for those people who live in, work in and visit Griffith's CBD.

3.3.4 It is anticipated that the CCTV Program may also be of some benefit in the management of major or special events. The temporary use of the CCTV Program for such purposes, including the use of temporary cameras must be approved in accordance with section 3 of this Code of Practice.

3.3.5 Temporary cameras may only be installed for major or special events.

3.3.6 The CCTV Program will only be used to identify crimes occurring within the area covered by the Program.

3.3.7 The CCTV Program may be used for intelligence gathering on individual and locations, in relation to offences within the scope of the program.

3.3.8 The CCTV Program may be used for NSW Police Force special operations, targeting offences covered under the Code of Practice.

3.4 Responsibilities of the Owner of the Program

Principle 4

The City of Griffith has primary responsibility for compliance with the purposes and objectives of the CCTV Program, for the maintenance, management and security of the Program and the protection of the interests of the public in relation to the Program.

3.4.1 The Griffith City Council will be responsible for the introduction and implementation of the Code of Practice and for ensuring compliance with the principles contained within the Code.

3.4.2 The Griffith City Council will comply with the requirements for accountability set out in this Code of Practice.

3.4.3 The Griffith City Council will consult with and provide information to the public about the operation of the CCTV Program and about any proposed changes to the Program or Code of Practice.

3.5 Responsibilities of Partner to the Program

Principle 5

As a partner to Griffith City Council's CCTV Program, the NSW Police Force agrees to act in accordance with the Code of Practice.

3.5.1 Incidents that may involve or lead to a crime against the person or other serious threat to public safety, or other serious criminal offence, will be

reported to an arranged police contact. The police will assess the situation and determine an appropriate response to the incident.

- 3.5.2 It is the responsibility of the NSW Police Force to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.
- 3.5.3 The NSW Police Force will develop its own operational procedures in relation to the CCTV Program to complement those developed by Griffith City Council.
- 3.5.4 A Memorandum of Understanding in relation to the CCTV Program will be entered into both by Griffith City Council and the NSW Police Force outlining in detail the respective roles of both parties. The Memorandum of Understanding and any variations to it, are to be approved by both the Mayor and General Manager or by Council, and are to be circulated to Councillors.

3.6 Accountability

Principle 6

Griffith City Council will be accountable to the public for the effective operation and management of the CCTV Program.

- 3.6.1 Griffith City Council will establish an annual auditing process and engage an independent auditor to review and evaluate the CCTV Program against the stated objectives and purpose of the system, and reporting on compliance with the PPIP Act.

The audit functions will include:

- (i) providing an independent and continuous review and checking mechanism for the CCTV Program;
 - (ii) examination of records, data histories and the content of recorded data
 - (iii) identifying and reporting on any deviations from the Code of Practice or Standard Operating Procedures ("SOP") that come to notice during audit; and
 - (iv) recommending action that will safeguard the Program from abuse.
- 3.6.2 The annual audit report will be presented to the Mayor and General Manager, Council's Audit & Risk Committee and the Privacy Commissioner of NSW. A copy of the report will then be circulated to Councillors and made available for public inspection.
 - 3.6.5 Both the Mayor and the General Manager, independently, have an unfettered right of inspection of all facilities associated with external CCTV monitoring, including files and registers, but not including viewing of the recorded footage

unless both are present or accompanied by the independent auditor. All such access shall be recorded in the register, including the identity of accompanying person.

3.7 Public Information

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Griffith City Council's CCTV Program.

- 3.7.1 Clearly visible signs that CCTV are operating will be displayed at the perimeter of the area covered by the system and at other key points.
- 3.7.2 Copies of the Code of Practice will be made available to the public. The availability of the Code of Practice will be publicised in connection with any publicity arranged for the CCTV Program.
- 3.7.3 Inquiries in relation to the Griffith City Council's CCTV Program and its operation can be made in writing to:

The General Manager
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Or, alternatively, can be made by telephone on 1300 176 077.

3.8 Assessment of the System and Code of Practice

Principle 8

Regular monitoring and evaluation of the CCTV Program will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

- 3.8.1 In consultation with the NSW Police Force, Griffith City Council will continuously monitor the operation of the CCTV Program and implementation of the Code of Practice.
- 3.8.2 Griffith City Council is responsible for ensuring that the CCTV Program is regularly subject to evaluation to identify whether its purposes are being

complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.

3.8.3 Evaluation will be conducted independently or carried out according to independently established criteria.

Evaluation of the CCTV Program will include as a minimum:

- (i) assessment of its impact upon crime;
- (ii) assessment of its impact on neighbouring areas;
- (iii) the views of the public on the operation of the Program;
- (iv) operation of the Code of Practice, Protocols and SOPs; and
- (v) whether the purposes for which the Program was established still exist.

The results of evaluation will be taken into account in the future functioning, management and operation of the Program.

3.9 Management of the Control Room

Principle 9

Staff employed to work in the CCTV control room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the CCTV control room will be restricted to authorised staff and their managers as stated in the SOP and the control room will be protected from unauthorised access.

3.9.1 A set of SOP is developed for control room staff.

3.9.2 Griffith City Council will adopt:

- (i) effective and fair systems of recruitment and selection of staff which include measures to ensure that the selection process provides for thorough validation of the suitability of candidates and regular review of the suitability of employed staff;
- (ii) a requirement that staff must be licensed, qualified at a suitable level on appointment and be capable of meeting in-service training requirements;
- (iii) a procedure which makes plain to staff that they risk disciplinary proceedings (including dismissal) if they breach any of the

provisions of the Code of Practice, SOP and Council's Code of Conduct;

- (iv) a requirement of confidentiality which can be enforced during and after termination of employment; and
- (v) systems of monitoring and supervision that ensure compliance with the Code of Practice, and SOP.

3.9.3 Procedures will be put in place to ensure that access to the control room is restricted to operating staff and their managers and that the control room is protected from unauthorised access.

3.9.4 The circumstances in which police or other visitors are able to access the control room will be carefully controlled and outlined in the SOP.

3.9.5 Access to the operation of equipment will be limited to Griffith City Council staff with that responsibility, and NSW Police Force with the appropriate training in CCTV Operations and the Protocols, Code of Practice, and the Standard Operating Procedures.

3.9.6 A register must be kept detailing all instances of access to the Control room, CCTV facilities and associated property.

3.10 Control and Operation of Cameras

Principle 11

Information recorded should be accurate, relevant and not exceed that necessary to fulfil the purposes of the Program.

Principle 12

Information should be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

3.10.1 The locations of CCTV cameras will be clearly apparent to the public.

3.10.2 All use of CCTV cameras will accord with the purposes of the CCTV Program as outlined in the Code of Practice, and SOP.

3.10.3 CCTV cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time)

participants in a crime, which originated in the public domain. Any misuse is to be treated as a breach of this code and subject to disciplinary action.

3.10.4 No sound will be recorded in public places.

3.10.5 'Dummy' CCTV cameras will not be used.

3.10.6 Operators of camera equipment will act in accordance with the highest standards of probity.

3.10.7 Only staff with responsibility for using the equipment will have access to operating controls.

3.10.8 All control room staff will be made aware that recordings are subject to routine audit and that they may be required to justify their interest in a particular member of the public or premises.

3.11 Data, Photographs and Recorded Material

Principle 13

The retention of, and access to, data, photographs and recorded material will be only for the purposes provided by the Code of Practice. Data, photographs and recorded material will be retained for 31 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

3.11.1 A request to access and use recorded footage and photographs may be made by legally authorised representatives only and include:

- (i) Federal or State Police;
- (ii) Statutory Authorities with powers to prosecute; and
- (iii) Barristers, Lawyers and Solicitors.

3.11.2 Access to and use of recorded material and photographs will only take place:

- (i) In compliance with the needs of NSW Police in the investigation and detection of a crime or suspected crime
- (ii) For use in NSW Police intelligence gathering
- (iii) For use following special or covert operations
- (iv) For providing evidence in criminal and/or civil proceedings; and/or
- (v) For identification of witnesses.

- 3.11.3 Recorded footage and photographs will not be sold or used for commercial purposes or the provision of entertainment.
- 3.11.4 The showing of recorded footage or photographs to the public will be allowed only in accordance with the needs of the police in connection with the investigation of crime or in any other circumstances provided by law. Any such action must be formally approved by the police.
- 3.11.5 Release of recorded footage or photography to the media should only occur for the purpose of crime prevention or investigation. Subject to concurrence of the Police, the relevant Group Manager may approve such releases after consultation with the General Manager and Mayor. In such cases the recognisable characteristics of other people in the footage shall be obscured. All requests for the release of footage must be in writing, including the purpose of the request, the context of the release, the date and time of airing, and the person responsible for controlling storage and access to the footage.
- 3.11.6 Images shall not, under any circumstances, be used to publicise the existence or success of Griffith City Council's CCTV Program.
- 3.11.7 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 3.11.8 Recorded material will be treated according to defined procedures to ensure continuity of evidence.
- 3.11.9 All recorded material and photographs will be subject to random inspection by the Audit Committee.

3.12 Contact with Police

Principle 14

Contact related to the CCTV Program between Griffith City Council staff and the Police will be conducted strictly in accordance with the Code of Practice.

- 3.12.1 Police officers will not be permitted to remove any recorded footage or photograph, operate recording equipment or have contact with any recorded footage or photograph at any time unless under the terms of this Code of Practice, the SOP or subject to the execution of a search warrant or other relevant legal process.
- 3.12.2 Any change in existing arrangements for police contact with and use of the system will amount to a major change to the Code of Practice and must be agreed to in accordance with the Code of Practice before being implemented.

3.12.3 Any involvement in the CCTV Program by police will be recorded by the Griffith City Council and will be subject to audit.

3.13 Breaches of the Code

Principle 15

The CCTV Program must address the interests of all who may be affected by it, and not be confined to the interests of Griffith City Council or the needs of the criminal justice system.

3.13.1 Prime responsibility for ensuring the Code of Practice is adhered to rests with the Griffith City Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Griffith City Council's power to remedy.

3.13.2 Complaints in relation to any aspect of the management or operation of the system may be made in writing to:

The General Manager
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

or, alternatively, can be made by telephone on 1300 176 077.

The General Manager will inform the Audit Committee in writing of these complaints.

The Privacy and Personal Information Protection Act 1998 authorises the Privacy Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with the Privacy Commissioner. The Privacy Commissioner can be contacted at:

Information and Privacy Commission NSW
GPO Box 7011
SYDNEY NSW 2001
Tel: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

3.13.3 Griffith City Council will cooperate with the investigation of any complaint by the Privacy Commissioner.

4 Definitions

None

5 Exceptions

None

6 Legislation

NSW Privacy and Personal Information Protection Act 1988
NSW Privacy and Personal Information Protection Regulation 2005
NSW Workplace Surveillance Act 2005
Security Industry Act 1997 No. 157 (NSW)

7 Related Documents

(IT-PR-101) Standard Operating Procedures Closed Circuit Television (CCTV) System Program

8 Directorate

Economic and Organisational Development