

## CCTV SURVEILLANCE SYSTEM

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# WAGGA WAGGA CITY COUNCIL

## Closed Circuit Television (CCTV)

### CODE OF PRACTICE

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## **Legislative Context**

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- The Workplace Surveillance Act 2005
- Police Act 1990 (NSW)

## **Related Documents**

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
- Pol058 – Closed Circuit Television (CCTV)
- Closed Circuit Television (CCTV) – Code of Practice
- Closed Circuit Television (CCTV) - Standard Operating Procedure
- Code of Conduct

# 1. Code of Practice

The Code of Practice is based on key principles. The key principles are as follows:

## ***Principle 1***

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

## ***Principle 2***

The CCTV Project will not limit 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***

Council has primary responsibility for the maintenance, management and security of the CCTV Project, and the protection of the interests of the public in relation to the CCTV Project.

## ***Principle 4***

The Police are a partner to the CCTV Project and agree to act in accordance with the Code.

## ***Principle 5***

The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Project.

## ***Principle 6***

Regular review and evaluation of the CCTV Project will be undertaken to identify whether the purposes and objectives of the CCTV Project are being achieved.

## ***Principle 7***

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

## ***Principle 8***

Recorded material will be retained for 30 days unless it is required for law enforcement purposes or other lawful requirements.

## ***Principle 9***

Access to recorded material will only be provided in accordance with the purposes provided by this Code.

**Principle 10**

All contact between the Council and the Police in relation to the CCTV Project will be conducted strictly in accordance with this Code.

**2. OBJECTIVES**

- 2.1 This Code of Practice contains the minimum standards of compliance with which Wagga Wagga City Council's CCTV Surveillance System will be operated.
- 2.2 The CCTV Surveillance System 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.
- 2.3 The CCTV Surveillance System 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.
- 2.4 The public interest in the operation of the CCTV Surveillance System will be recognised by ensuring the security and integrity of operational procedures.
- 2.5 Wagga Wagga City Council has primary responsibility for compliance with the purposes and objectives of the CCTV Surveillance System, for the maintenance, management and security of the System, and the protection of the interests of the public in relation to the System.
- 2.6 As a partner to Wagga Wagga City Council's CCTV Surveillance System, the NSW Police Force will act in accordance with the CCTV Code of Practice.
- 2.7 Wagga Wagga City Council will be accountable to the public for the effective operation and management of the CCTV Surveillance System.
- 2.8 The public will be provided with clear and easily accessible information in relation to the operation of Wagga Wagga City Council's CCTV Surveillance System.
- 2.9 Regular monitoring and evaluation of the CCTV Surveillance System will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.
- 2.10 Staff employed to work in the recording room, whether they be operators or managers, will meet the highest standards of probity.
- 2.11 Access to the recording room will be restricted to qualified operating staff and their managers and the control room will be protected from unauthorised access.
- 2.12 Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV Surveillance System.

- 2.13 Information will be obtained fairly and in accordance with the privacy provisions of the CCTV Policy and this Code of Practice.
- 2.14 The retention of and access to recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for 30 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, recorded over, or destroyed.
- 2.15 Contact related to the CCTV Surveillance System between Wagga Wagga City Council staff and the NSW Police will be conducted strictly in accordance with this Code of Practice.
- 2.16 The CCTV Surveillance System will be confined to address the interests of Wagga Wagga City and the needs of the NSW Police and judicial system.

### **3. PRELIMINARY INFORMATION**

#### **CCTV Surveillance System**

- 3.1 The area of the Wagga Wagga City area in which the CCTV system operates can be described as the area bound by:
  - a. Station Place
  - b. Station Place Taxi Rank
  - c. Baylis Street
  - d. Taxi Rank in front of 109 Baylis Street
  - e. Fitzmaurice Street
  - f. Gurwood Street Taxi Rank (eastern end)
- 3.2 The CCTV Surveillance System is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in the Wagga Wagga City Central Business District (CBD). It is recognised, however, that such crime will never totally be prevented.
- 3.3 This Code of Practice will be supplemented by a Standard Operating Procedure (SOP) giving instructions on all aspects of the operation of the System. This document will be based on the CCTV Policy and ensure that the principles and purposes on which the CCTV Surveillance System is based are realised.
- 3.4 Involvement in any aspect of the System by relevant organisations or individuals will depend upon their willingness to comply with the CCTV Policy and this Code of Practice.
- 3.5 The System involves 25 cameras connected to a central location in the Wagga Wagga City Council Civic Centre by a fibre network. Pictures are transmitted live to observation screens in the Police Station. All images are recorded and retained for 30 days unless they are required in relation to the investigation of crime or for court proceedings.
- 3.6 The system is directly linked with Local Area Command to ensure instant communication and enable direct monitoring in certain circumstances such as an emergency. Monitoring will only be undertaken on an as needed basis by the

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Wagga Wagga Police.

- 3.7 All cameras are of colour resolution, and are capable of being panned, tilted and zoomed to enable effective monitoring. Each camera is to be housed in a tinted environmental dome, which both protects the camera and ensures that the camera itself is not visible from street level.
- 3.8 The camera technology used is to ensure maximum resolution and picture quality. The camera and system technology used will be regularly reviewed.
- 3.9 Cameras are installed in those areas of Wagga Wagga City CBD subject to a high incidence of crimes against persons or malicious damage to property. These locations are determined on the basis of crime statistics provided by the NSW Police Force. Environmental considerations are also taken into account.
- 3.10 A total of 25 cameras have been installed in the following areas:
  - a. 1 - Station Place
  - b. 2 - Station Place Taxi Rank
  - c. 15 - Baylis Street
  - d. 1 - Taxi Rank in front of 109 Baylis Street
  - e. 5 - Fitzmaurice Street
  - f. 1 - Gurwood Street Taxi Rank
- 3.11 Wagga Wagga City Council retains ownership of the CCTV Surveillance System and has copyright on all Intellectual Property, equipment, recorded material and documentation pertaining to all footage captured by the CCTV system
- 3.12 The responsibilities of Wagga Wagga City Council in relation to the system are outlined in section 6.
- 3.13 The NSW Police Force is a partner in Wagga Wagga City Council's CCTV Surveillance System. The responsibilities of the NSW Police Force in relation to the System are outlined in Section 7.

## **4. CHANGES TO THE CCTV SURVEILLANCE SYSTEM AND/OR THE CODE OF PRACTICE**

- 4.1 A minor change to the CCTV Policy or Code of Practice may be made with the agreement of the General Manager and the Mayor of Wagga Wagga City Council. A minor change is a change which may be required for the purposes of adjustment of the System or clarification of the Code of Practice. An example may be the replacement of one brand of video recorder with another.
- 4.2 A major change to the CCTV Policy or to the Code of Practice will take place only after consultation with relevant interest groups (Police, Business Owners, Public) and upon the agreement of Wagga Wagga City Council. A major change is such as will have a significant impact upon the operation of the system or the Code of Practice. An example may be a change to the purpose of the system or a proposal to install further permanent cameras.

## **5. PURPOSE**

- 5.1 The objectives of the CCTV Surveillance System Program are:
  - a. to reduce the fear of crime;
  - b. to assist in the apprehension and prosecution of offenders;
- 5.2 The CCTV Surveillance System will only be used to identify crimes occurring within the area covered by the System.
- 5.3 The CCTV Surveillance System 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 Procedure.
- 5.4 The CCTV Surveillance System 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.
- 5.5 The public interest in the operation of the CCTV Surveillance System will be recognised by ensuring the highest levels of security and integrity in relation to recording and retention of material.

## **6. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM**

- 6.1 Wagga Wagga City Council will be responsible for the introduction and implementation of the Policy and SOP and for ensuring the compliance with the details contained within the Procedure.
- 6.2 Wagga Wagga City Council will comply with the requirements for accountability set out in this Procedure.
- 6.3 Wagga Wagga City Council will consult with and provide information to the public about the operation of the CCTV Surveillance System.
- 6.4 Wagga Wagga City Council has the primary responsibility for compliance with the purposes and objectives of the CCTV Surveillance System, for the maintenance, management and security of the program and the protection of the interests of the public in relation to the System.

## **7. RESPONSIBILITIES OF PARTNER TO THE SYSTEM**

- 7.1 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.
- 7.2 The NSW Police Force will develop its own operational procedures in relation to the CCTV Surveillance System to complement those developed by Wagga Wagga City Council.
- 7.3 A Memorandum of Understanding in relation to the CCTV Surveillance System will be entered into both by Wagga Wagga City Council and the NSW Police



Force (Wagga Wagga LAC) outlining 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, and then circulated to Councillors.

- 7.4 As a partner to Wagga Wagga City Council's CCTV Surveillance System, the NSW Police Force agrees to act in accordance with the CCTV Policy and the Code of Practice.

## 8. ACCOUNTABILITY

- 8.1 Wagga Wagga City Council will be responsible for periodic review of the CCTV Surveillance System including the CCTV Policy and this Code of Practice and performance of surveillance equipment:
- a. to identify and report on any deviations from the Code of Practice that come to notice during audit; and
  - b. to recommend action that will safeguard the System from abuse.
- 8.2 A report, every 12 months, on the operation and functioning of Wagga Wagga City Council's CCTV Surveillance System will be presented to the Police and Council
- 8.3 That the Wagga Wagga City Council and NSW Police (Wagga Wagga Local Area Command) nominate Responsible Officers, who are the contact and first point of call, for all applications, technical and operational matters and evaluation of information or requests received.

## 9. PUBLIC INFORMATION

- 9.1 Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the area covered by the system and at other key points within the area under surveillance. These signs will:
- a. inform the public that cameras are in operation and recording
  - b. allow people entering the area to make a reasonable approximation of the area covered by the system
  - c. identify Wagga Wagga City Council as the owner of the system
  - d. identify the footage may be monitored by NSW Police
  - e. confirm the footage is being recorded
- 9.2 Copies of the CCTV Policy and Code of Practice are available to the public.
- 9.3 Inquiries in relation to Wagga Wagga City Council's CCTV Surveillance System and its operation can be made in writing to:

The General Manager  
Wagga Wagga City Council  
PO Box 20  
WAGGA WAGGA NSW 2650  
or, alternatively, can be made by telephone on 1300 292442 or, e-mail  
[Council@wagga.nsw.gov.au](mailto:Council@wagga.nsw.gov.au)

- 9.4 The public will be provided with clear and easily accessible information in relation to the operation of Wagga Wagga City Council's CCTV Surveillance System.
- 9.5 Upon the request by a member of the Public or through a GIPA (Government Information and Public Access) file request for information related to video footage recorded through the Wagga Wagga City Council CCTV project, that the request be assessed by the General Manager of the Wagga Wagga City Council or their delegate, to its validity and requirement by Law to supply such footage.

## **10. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE**

- 10.1 In consultation with the NSW Police Force, Wagga Wagga City Council will regularly monitor the operation of the CCTV Surveillance System and implementation of the Code of Practice.
- 10.2 Wagga Wagga City Council is responsible for ensuring that the CCTV Surveillance System 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.
- 10.3 Evaluation will be carried out according to established criteria.
- 10.4 Evaluation of the CCTV Surveillance System will include as a minimum:
- a. the assessment of its impact upon crime;
  - b. the assessment of its impact on neighbouring areas;
  - c. the views of the public on the operation of the System;
  - d. the operation of the Police
  - e. the operation of the Code and SOP
  - f. whether the purposes for which the System was established still exist
- 10.5 The results of evaluation will be taken into account in the future functioning, management and operation of the System.
- 10.6 Regular monitoring and evaluation of the CCTV Surveillance System will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.
- 10.7 Continued involvement of a Working Group throughout the use of the CCTV project

The functions of the CCTV project Working Group are:

- i) to provide an independent review and checking mechanism for the CCTV project;
- ii) to promote public confidence in the CCTV project by ensuring its operations are transparent to the public and undergoing independent scrutiny and review;
- iii) to contribute to the development of the scope of audit for the program;
- iv) to review any deviations from the Code of Practice or Standard Operating Procedures and monitor recommended actions that will safeguard the program from abuse;

- v) to review proposed changes to the CCTV project for assessment of the policy implications; and
- vi) To assist in the evaluation of the CCTV project to identify if the purposes of the Program are being complied with and objectives are being achieved.

10.8

## **11. MANAGEMENT OF THE RECORDING ROOM**

- 11.1. Wagga Wagga City Council staff employed to work on the CCTV Surveillance System or in the recording room, whether they are operators or managers, when doing so will be subject to Wagga Wagga City Council Code of Conduct.
- 11.2. Wagga Wagga City Council's Code of Conduct provides for disciplinary proceedings in the event of any breach of the CCTV Policy, Code of Practice and the Council's own Code of Conduct.
- 11.3. Procedures will be put in place to ensure that access to the recording room is restricted to operating staff and their managers and that the communications room is protected from unauthorised access.
- 11.4. The circumstances in which police or other visitors are able to access the recording room will be carefully controlled.
- 11.5. Access to the recording equipment will be limited to Wagga Wagga City Council staff with that responsibility.
- 11.6. All Recording Room Staff employed to work in the CCTV Surveillance System recording room, shall be required to obtain a National Police Certificate.
- 11.7. Access to the CCTV Surveillance System recording room will be restricted to qualified operating staff and their managers and the room will be protected from unauthorised access.
- 11.8. All Recording Room staff will be required to undergo approved induction/familiarisation training.
- 11.9. All Recording Room staff will be required to demonstrate their understanding of and capacity to operate the system alone.
- 11.10. Each new staff member on completion of their training is to be proficient in:
  - a. use and control of camera management systems;
  - b. use and control of recording systems;
  - c. policy and procedures relating to recording of information;
  - d. emergency response and procedures;
  - e. accountability and confidentiality issues; and
  - f. privacy issues.
- 11.11. All Recording Room staff involved in the operation of the CCTV project are required to sign a confidentiality agreement.

- 11.12. It is the responsibility of Wagga Wagga City Council management to ensure that these agreements are signed prior to any person commencing employment.

## **12. CONTROL AND OPERATION OF CAMERAS**

- 12.1. The locations of cameras will be apparent to the public.
- 12.2. All use of cameras will accord with the purposes of the CCTV Surveillance System as outlined in the SOP.
- 12.3. 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.
- 12.4. No sound will be recorded in public places.
- 12.5. 'Dummy' cameras will not be used.
- 12.6. Operators of camera equipment will act in accordance with the highest standards of probity. This will include
- a. National Police Certificate
  - b. Routine audit of the system including adherence to this Code and SOP
- 12.7. Only staff with responsibility for using the equipment will have access to operating controls.
- 12.8. Information recorded should be accurate, relevant and not exceed that which is necessary to fulfil the purposes of the Program.
- 12.9. Information shall be obtained in accordance with the privacy provisions and meet all legislative requirements.

## **13. RECORDED MATERIAL**

- 13.1. Access to and use of recorded material will only take place:
- a. in compliance with the needs of Council and Police in connection with the investigation of crime; or
  - b. if necessary for the purposes of legal proceedings;
  - c. in compliance with the Government Information (Public Access) Act 2009.
- 13.2. Recorded material will not be sold, transferred, copied or used for any commercial purposes or for the provision of entertainment.
- 13.3. The showing of recorded material to the public will be permitted only in accordance with the needs of the Police in connection with the investigation of crime or in any other circumstances provided by another law.
- 13.4. The use of recorded material by the media shall only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation into a serious crime. Subject to the concurrence of the Police, the General Manager may approve such releases. In such cases the recognisable characteristics of all other people and vehicles in the footage must

be obscured.

- 13.5. All images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Wagga Wagga City Council's CCTV Surveillance System.
- 13.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 13.7. The retention of, and access to, recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for 30 days unless required in relation to the investigation of crime or for court proceedings. Images will then be erased, taped over, or destroyed as per recording room procedures.
- 13.8. Recorded material will be treated according to defined procedures to ensure continuity of evidence.
- 13.9. NSW Police may reproduce recorded footage or photographs for Court purposes or for the purposes of review by the NSW Ombudsman in the oversight or investigation of complaints under Part 8A of the Police Act, 1990 (NSW).

## **14. CONTACT WITH POLICE**

- 14.1. Police officers will not be permitted to remove any recorded material or operate video equipment at any time unless under the terms of this Code of Practice or subject to the execution of a search warrant or other relevant legal process.
- 14.2. Any change in existing arrangements for police contact with and the 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.
- 14.3. Contact related to the CCTV Surveillance System between Wagga Wagga City Council staff and the Police will be conducted strictly in accordance with this Code of Practice.

## **15. BREACHES OF THE CODE**

- 15.1. Prime responsibility for ensuring the Police and the Code of Practice is adhered to rests with Wagga Wagga City Council. This responsibility includes ensuring that breaches of the Code of Practice are investigated and remedied to the extent that the breaches are within the ambit of Wagga Wagga City Council's power to remedy.
- 15.2. Complaints in relation to any aspect of the management or the operation of the system or the behaviour or conduct of Council staff may be made in writing to:

The General Manager  
Wagga Wagga City Council  
PO Box 20  
WAGGA WAGGA NSW 2650

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or e-mail [Council@wagga.nsw.gov.au](mailto:Council@wagga.nsw.gov.au)

### 15.3. Complaint Handling

- 15.4. The procedure and steps for handling complaints shall be as follows:-
- a. All complaints are to be in writing and to be addressed to the General Manager, Wagga Wagga City Council.
    - i. First level – a trained staff member will review and provide a report to the complainant
    - ii. Second level – where the complainant is still dissatisfied, the complaint will be investigated by a more senior officer and results of the investigation reported to the complainant
    - iii. Where the complaint cannot be resolved within Council, the complainant is referred to an outside agency to seek resolution.
  - b. A complaint regarding the conduct of a Police Officer/s in relation to the operation of the CCTV cameras or footage shall be referred for investigation in the first instance to the appropriate Section of the NSW Police Force or authority charged with the responsibility for investigating complaints against Police Officers.  
([http://www.police.nsw.gov.au/services/complain\\_about\\_a\\_police\\_officer](http://www.police.nsw.gov.au/services/complain_about_a_police_officer))
- 15.5. The Privacy and Personal Information Protection Act 1998 authorises the Information and Privacy Commission to receive and investigate complaints about alleged violation of, or interference with, the privacy of an individual. Any member of the public is entitled to lodge a complaint with the Information and Privacy Commission at:
- Information and Privacy Commission  
GPO Box 7011  
SYDNEY NSW 2001  
Tel: 1800 472 679  
Fax: (02) 8114 3756
- 15.6. The CCTV Surveillance System must address the interests of all who may be affected by it. The system is to reflect the interests of Wagga Wagga City Council, the NSW Police and the needs of the criminal justice system.
- 15.7. Wagga Wagga City Council will cooperate with the investigation of any complaint by the Information and Privacy Commission.