




Policy Title: **MANAGEMENT, OPERATION AND USE
OF CLOSED-CIRCUIT TELEVISIONS**

Policy Type: **ADMINISTRATIVE**
(Statutory, Financial, Administrative, Human Resources)

Policy Number: **A014**

Approved by Council	Last Review	Current Review	Next Review
	19 May 2020	18 May 2021	18 May 2022
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Approved by CEO/Director:	Bernie McCarthy – CEO	 Signature	
Effective Date	19 May 2021		
Implementation Department		Officer Position	
Community Services		Director of Community Services	
Revision #	Document Management File #		
1.0	01-03-A014		

Management, Operation and Use of Closed Circuit Televisions

Information Privacy Act 2009

1. PURPOSE AND SCOPE

Council operates closed circuit television (CCTV) systems in public areas and at Council facilities with the objectives of promoting public safety and minimising damage or theft of Council and community assets.

To the extent possible, without reducing the effectiveness of the CCTV systems in achieving those objectives, Council will operate its CCTV systems in a way that protects the privacy of individuals.

This policy applies to the application and operation of the CCTV system, which is a network of closed circuit television cameras, installed in the Council local government area (LGA). This system also includes mobile cameras that can be used for remote location requirements.

2. **APPLICATION OF DIRECTIVE** This directive applies to all employees of the Council.

3. DEFINITIONS

CCTV System	The network of closed circuit television cameras installed by Council to electronically record video or audio/video of any public place or Council facility within the Aurukun Shire Council local government area.
Memorandum of Understanding (ASC and Queensland Police Service)	Documented agreement between both parties to recognize mutual intentions for enabling Council's authorized personnel officers to conduct duties related to the maintenance and QPS to access to; maintaining ongoing liaison to ensure effective performance.
Designated CCTV Manager	Chief Executive Officer

4. DIRECTION

4.1 CCTV systems will be:

- installed only in locations where the system will promote public safety or minimise damage or theft of Council and community assets;
- operated with efficiency, impartiality and integrity; and
- operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed.

4.2 OPERATIONAL RESPONSIBILITY

Strategic direction and scope of the system, including camera location will be as resolved by Council.

The following responsibilities have been delegated by Council's Chief Executive Officer in relation to this system:

4.3 CCTV MANAGEMENT OPERATIONS

Council's Chief Executive Officer is appointed as the CCTV Manager responsible for the practical operation of the CCTV system, including ensuring that at all times the system is operated in accordance with Council's Policies, Guidelines and all relevant legislation. The CEO will:

- Conduct audits of the application of the CCTV Policy and Operating Procedures to ensure the integrity of the system and associated database.
- Investigate all complaints in relation to the CCTV system.

4.4 TECHNICAL SUPPORT SERVICES

The Director of Technical Services is the person appointed to assume responsibility for technical support and maintenance of the CCTV system.

4.5 PRIVACY COMPLIANCE

The purpose of the CCTV is to:

- identify and prevent illegal and/or inappropriate behaviour in the Council LGA which has the potential to alarm or threaten citizens, or to result in damage of property and the good order of the region;
- permit and coordinate through a central point, the controlled release of information by Council to agencies authorised to receive data and to other statutory bodies with powers to prosecute to enable the development of effective responses to observed incidents;
- to contribute to an integrated multi-agency approach to crime prevention and community safety;
- obtain reliable information that may be used as evidence;
- determine trends in crime through the analysis of statistics and data;

- develop community based, safety and capacity building intervention strategies through the analysis of data and CCTV footage.

4.6 LOCATION OF CCTV SYSTEMS

- 4.6.1 CCTV systems will be located in areas as determined by Council based on criteria designed at achieving the purposes hereinbefore specified. (Refer to Schedule A for locations).
- 4.6.2 The locations at which CCTV systems are currently installed are detailed on attached Schedule A. This list of locations will continue to be updated as and when CCTV systems increase.
- 4.6.3 Areas monitored by the CCTV systems must be adequately signed in a manner so as to make the general public aware of. –
- the personal information being collected;
 - the legislative authority of the collection;
 - the circumstances under which footage may be accessed;
 - the responsible entity holding the footage; and,
 - reasons for the CCTV systems operating.

4.7 SIGNAGE

The following signage has been approved by Council for use:

IMPORTANT NOTICE-CCTV IN THIS AREA

Council is collecting your personal information on a closed circuit television system (CCTV) in this area. The personal information collected is being used for the purposes of public safety, crime prevention and detection. Your personal information will only be accessed by persons who have been authorised to do so. This information may be provided to the Queensland Police Service for law enforcement purposes. Your information will not be given to any other person or agency unless required by law. Your personal information is handled in accordance with the Information Privacy Act 2009.

Council Administration

4.8 COLLECTION AND SECURITY OF FOOTAGE

- 4.8.1 CCTV footage will (with the exception of the undermentioned circumstances):
- not generally be monitored by Council on a real-time basis nor will recordings be generally reviewed;
 - real time monitoring may occur in circumstances such as during major public events, when reported crimes are in progress or during

other circumstances as approved by the Chief Executive Officer.

- 4.8.2 The Queensland Police Service (QPS) are authorised to access Council's CCTV system and may monitor footage real time, including playback of footage as required, for their operational reasons as considered necessary by them. A copy of the Memorandum of Understanding between Council and the Queensland Police Service is annexed here (Refer Schedule B).
- 4.8.3 Council reserves the right to review footage following (i) any incident that has occurred whereby there is damage to, or (ii) interference with Council/community property, or (iii) where an incident contrary to public safety and community values is evident.
- 4.8.4 Footage taken by CCTV systems may with exception of devices employed by QPS only be recorded on Council owned equipment. Equipment will be limited to:
- computer equipment located within and assigned to the Information Technology Department; and,
 - portable computer devices assigned to Authorised Personnel and the Chief Executive Officer.
- 4.8.5 Under no circumstances can information collected by CCTV be sent to, recorded or maintained on any other equipment other than equipment as referenced above.
- 4.8.6 With the exception of mobile devices authorised for use by the Chief Executive Officer, all other authorised computers shall be kept and operated within the confines of the Information Technology room located at the Administration Centre.
- 4.8.7 Council's Administration Centre shall be securely locked at all times whilst unattended by authorised Information Technology staff.
- 4.8.8 Computer screens located within the Information Technology rooms used for CCTV system purposes are to be placed or positioned in a manner prohibiting non-authorised staff members or members of the public entering the room for any legitimate purpose, from inadvertently viewing potential footage.
- 4.8.9 All computers receiving, containing or storing footage must be programmed so as to facilitate password protection of the footage and requiring passwords to view, access or copy any footage.
- 4.8.10 Only persons authorised by the Chief Executive Officer (referred to as Authorised Personnel) will have access to footage recorded by CCTV system operations.
- 4.8.11 With exception of authorised members of the QPS, council's authorised personnel shall only be appointed after having undertaken and completed training in accordance with the recommendations of the Office of the Information Commissioner.
- 4.8.12 Authorised Personnel shall be required to at all times: -
- act in an honest and legal manner to carry out duties in accordance with accepted community expectations and values;

- treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity;
- interact with colleagues and Council associates, including members of the Queensland Police Service, in a timely, courteous and cooperative manner;
- not disclose or discuss any events with any person or party having no interest or responsibility associated with the subject matter including family, friends or acquaintances;
- ensure that computers associated with footage are password locked at all times when not in use by the Authorised Personnel and that footage recorded, stored or maintained, within such systems remains password locked at all times whilst not being monitored or reviewed or being utilised for other authorised purposes.

4.9 DESTRUCTION OF CCTV RECORDS

To minimise intrusion upon the right to privacy, all CCTV system records are to be destroyed no earlier than 30 days and not later than 60 days after the record is created.

A CCTV system record is to be further preserved under this policy if:

- in the assessment of the Chief Executive Officer of Council or a delegated Director appointed by Council, preservation of the record is in Council's interest for any reason;
- a request to access the particular record is received from a law enforcement or government regulatory agency. (for example the Police Service, the Fire Service, or another government body with the responsibility for enforcing laws);
- a request to access the particular record is received from any party other than a law enforcement or government regulatory agency; or
- an extract of the record is made, whether or not that extract is provided to a third-party.

(Note. the receipt of a request for access to a particular record will make that record a "public record" under the Public Records Act 2002 and will be managed in accordance with the Act.)

4.10 ACCESS TO FOOTAGE

- 4.10.1 All requests for access to recorded material by persons other than employees of Council, must be made to the Chief Executive Officer and approved by the Chief Executive Officer or a Delegated Officer.

- 4.10.2 All applications, with the exception of applications by the Queensland Police Service, must be made in writing on Form P08EOApplication for CCTV Record.
- 4.10.3 Access to recorded material will only be allowed for the purposes associated with the objectives of this Policy and in accordance with and subject to the Information Privacy Principles.
- 4.10.4 Employees of Council seeking access to recorded material must obtain the approval of his/her/their Director.
- 4.10.5 The Authorised Personnel receiving the request shall review the recorded information for the purpose of determining whether any information request by the applicant, (such as evidence of perpetrators of a crime) exists for the purpose of fulfilment of the objectives herein specified.

In the event that the relevant information sought is available, the Authorised Personnel shall: -

- advise the Chief Executive Officer;
 - in the event of the application by a Council employee advise the relevant Director of the availability of such information for determination of a further course of action (i.e. prosecution as required).
 - The Chief Executive Officer/Director, shall determine whether the applicant is to be authorised to view the recording or whether a copy of the recording is to be produced for delivery to the applicant.
- 4.10.6 An Authorised Person must maintain a record of each and every access to the recorded information and the findings consequent to review. The record shall be maintained in the CCTV Access Register. A copy of the records shall also be provided to Council's Records Department for record keeping in accordance with the requirements of the Public Records Act.
- 4.10.7 A copy or copies of the recorded information must not be made unless approved by the Chief Executive Officer. The Chief Executive Officer must only approve the making of copies in the event that:-
- Council has determined to prosecute an individual or individuals for a crime or breach of legislation (including local law) and the recorded information is necessary for evidence purposes;
 - is satisfied on reasonable grounds that the use is necessary for a law enforcement activity carried out by a law enforcement agency; or
 - circumstances exist to prevent or lessen a serious threat to an individual or the public; and,
 - as otherwise authorised by law (i.e. relevant determinations pursuant to the Right to Information Act 2009).

4.11 AUTHORISATION

The Chief Executive Officer may authorise release of the record to a third-party (including the media) when the Chief Executive Officer determines that the release of the record is in

Council's interest. When making a determination to release a record the Chief Executive Officer must:

- obtain confirmation that the release is lawful; and
- give significant weight to protecting the privacy of individuals depicted in the record, unless the individual is depicted as being engaged in unlawful or anti-social conduct and the release of the record may assist, in identifying the individual.

4.12 COMPLAINTS

All complaints received in relation to CCTV systems are to be dealt with in accordance with Council's General Complaints Policy.

4.13 LEGAL PARAMETERS

Information Privacy Act 2009

Invasion of Privacy Act 1971

Public Records Act 2002

Right to Information Act 2009

Security Providers Act 1993

AS4806. 1 - 2006 Closed Circuit Television (CCTV) Point 1; Management & Operation

5. POLICY REVIEW

The policy is to be reviewed whenever legislation changes, OR every two years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

6. ASSOCIATED DOCUMENTS

Schedule A - Location of CCTV systems

Schedule B - Copy of Memorandum of Association (ASC and QPS)

Schedule C - Application for CCTV Record

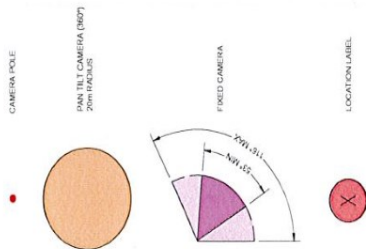
SCHEDULE A

LOCATION OF CCTV SYSTEMS
(01/07/17)

SCHEDULE B

Management, Operation and Use of Closed Circuit Televisions

LEGEND



A	AS INSTALLED	18.07.16	DATE
		SUBJECT	



PROJECT	AURUKUN SHIRE COUNCIL CCTV PROJECT
PROJECT NUMBER	2040

DESIGNED	DRAWN EJE	
SCALE @ A1 NTS	DATE 24.06.16.	CHECKED TS
DRAWING No. 2040-000		REVISION A

MEMORANDUM OF UNDERSTANDING

APPLICATION FOR CCTV RECORD

Management, Operation and Use of Closed Circuit Televisions

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made on 21 APRIL 2017.

BETWEEN

STATE OF QUEENSLAND (*acting through Queensland Police Service*)

AND

AURUKUN SHIRE COUNCIL

WHEREAS

To give affect to an agreed approach between the Aurukun Shire Council and the Queensland Police Service with regard to the operation and maintenance of closed circuit television systems in Aurukun.

IT IS AGREED AS FOLLOWS

1. Purpose

The purpose of this Memorandum of Understanding is to provide the framework for the operation and maintenance of closed circuit television systems in the community of Aurukun, and for the treatment of electronic data and evidence collected through operation thereof.

2. Interpretation

2.1 In this Memorandum of Understanding, unless the contrary intention appears:

'Assistant Commissioner' means the Assistant Commissioner Northern Region, Queensland Police Service.

'CCTV' means closed circuit television system

'Community Police Officer' means a person employed by the Aurukun Shire Council to maintain peace and good order by virtue of the *Sect 12 Aboriginal and Torres Strait Islander Community (Justice, Land and Other Matters) Act 1984*

'Council' means the Aurukun Shire Council as defined by the *Local Government Act 2009*

'Image' includes motion and still pictures in either electronic or hard copy format.

'Officer in Charge' means the Officer in Charge of the Aurukun Police Station or a person appointed to act in that position.

'Offence' includes offences against the statute law of Queensland and Commonwealth of Australia, and bylaws of the Aurukun Shire Council

'Parties' means Aurukun Shire Council and Queensland Police Service

'Proceedings' means a prosecution against a person or persons, commenced by way of an infringement notice, notice to appear, summons, or arrest with or without warrant.

'QPS' means the Queensland Police Service.

'QPS Member' means a person who is a member of the Queensland Police Service as defined in the *Police Service Administration Act 1990*;

3. General Principles:

- 3.1 The parties acknowledge that:
- 3.2 The CCTV system including cameras, networks, supporting cabling and infrastructure, visual monitors and software remain the property of the Aurukun Shire Council, including those parts of the system installed within the confines and grounds of the Aurukun Police Station.
- 3.3 The Aurukun Shire Council is responsible for the ongoing costs, maintenance and replacement of the CCTV system and inclusions as described in Clause 3.2.
- 3.4 The QPS will not be held liable for the loss or damage of CCTV systems installed within the confines of the Aurukun Police Station or associated grounds, unless it is proven the damage or loss occurred as the result of an unlawful act or omission on the part of a QPS member.
- 3.5 All images captured and stored within the CCTV system remain the property of the Aurukun Shire Council, unless the particular images:
 - 3.5.1 Constitute, or are likely to constitute evidence of an offence; or
 - 3.5.2 Are required to preserve, or restore public safety and good order within the community, as determined by a member of the QPS.
 - 3.5.3 In this event, the relevant images will become the property of the QPS irrespective of the commencement of proceedings or otherwise.
- 3.6 Any requests for release of images or data to third parties will be managed by the relevant owning agency in accordance with *Right to Information Act 2009*.

4. Respective Roles:

- 4.1 The Aurukun Shire Council will ensure that:
 - 4.1.1 All CCTV systems including cameras, networks, supporting cabling and infrastructure, visual monitors and software are maintained in proper working order.
 - 4.1.2 A robust maintenance and testing program is in place to ensure the ongoing operation of the closed circuit television system.
 - 4.1.2 All requests for repair or adjustment to the above systems and infrastructure are actioned at the earliest possible time.
 - 4.1.3 All repairs and maintenance to the closed circuit television system will be carried out by properly qualified persons.
 - 4.1.4 All council employees who are required to operate the closed circuit television system are properly trained and competent.
- 4.2 The QPS will ensure that:
 - 4.2.1 Instructions are implemented and maintained to facilitate the operation of the system and review of images, as required and within the capacity of the CCTV system.

- 4.2.2 QPS members who are required to operate the closed circuit television system are properly trained and competent.
- 4.2.3 Any faults or damage to the closed circuit television system and associated infrastructure will be reported promptly to the Aurukun Shire Council, or the person, entity, or agent engaged by the Council to maintain the CCTV system.
- 4.2.4 In the event that access to the Aurukun Police Station and associated grounds by authorised personnel is required for the purpose of routine maintenance and or repair of any part of the CCTV system, supporting software and monitors, such access is to be freely provided unless extraordinary circumstances, as determined by the Officer in Charge, exist at the particular time.
- 4.2.5 In the event of the access as described in 4.2.4 being denied, the Officer in Charge will negotiate the appropriate access at the earliest possible opportunity.
- 4.2.6 Images that are evidence of an offence shall be copied from the system and stored securely in accordance with *Chapter 4 QPS Operational Procedures Manual*.
- 4.2.7 Images that are no longer required to be retained, either through the conclusion of proceedings or otherwise, including current records retention and disposal policies, will be destroyed in accordance with *Chapter 4 QPS Operational Procedures Manual*.

5. Security/Confidentiality

- 5.1 Relevant information provided to the Council by the QPS under this Memorandum of Understanding is to be used for the purposes outlined herein only and is not to be disseminated to a third party, for any other purpose whatsoever, without the prior consent of the Officer in Charge.
- 5.2 Each party undertakes to maintain security systems and policies sufficient to ensure its obligations under this MOU are achieved.
- 5.3 Without limiting any other obligation under this MOU or otherwise, both parties will comply with the provisions of the Right to Information Act 2009 in relation to the maintenance and operation of the CCTV system

6. Dispute Resolution

- 6.1. Where there is a disagreement between the parties over an issue covered by this Memorandum of Understanding, or a related issue, both parties will seek to resolve the matter at an operational level through negotiations between the Officer in Charge, and the Council
- 7.2 Should these negotiations fail, the matter is to be referred without undue delay to the Mayor's delegate and the Assistant Commissioner.

7. Term

- 7.1 This MOU shall commence on the date of signing by the parties and continue until it is terminated hereunder.

8. Review of Agreement

- 8.1 Both parties will jointly review this Memorandum of Understanding at intervals of not more than twelve (12) months to ensure that the overall objectives are being achieved.

9. Variation

9.1 Where, during currency of this MOU, either the Officer in Charge or Council desires the variation of its terms, the other party will participate in negotiations in good faith upon the issue.

9.2 Amendments to this MOU may be made at any time with the mutual written agreement of both parties.

10. Termination

10.1 Notwithstanding other provisions of this MOU, either the Officer in Charge or Council may, by written notice to the other party, terminate this MOU.

11. Notices

11.1 Any notice in writing required to be served upon a party to this MOU is to be forwarded:

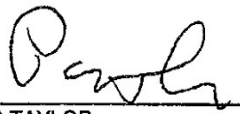
- To the QPS: Officer in Charge, Aurukun Police Station.
- To Aurukun Shire Council, Chief Executive Officer.

12. Entire Agreement

13.1 This Memorandum of Understanding constitutes the entire agreement of the parties with respect to the subject matter of this MOU and supersedes all prior agreements, representations, understandings and negotiations (either written or oral) with respect to such subject matter.

IN WITNESS WHEREOF the parties have executed this Memorandum of Understanding on the dates indicated below:

SIGNED:


P G TAYLOR
Assistant Commissioner
Northern Region
QUEENSLAND POLICE SERVICE

DATE: 21 / 4 / 2017

SIGNED:

 CEO
AURUKUN SHIRE COUNCIL

DATE: 21 / 4 / 2017

This form is to be used when the applicant wishes to access recordings captured by Council's closed circuit television system

Applicant / Responsible Person Details	Full Name	
	For Companies, Contact Name	
	Residential address	Suburb State Postcode
	Postal Address	
	Telephone	Home; Mobile:
	Facsimile	
	Email	
Details of Request	Incident Type	Offence against Person <input type="checkbox"/>
		Offence against Property (i.e. vehicle, building etc.) <input type="checkbox"/>
		Police operation or investigation <input type="checkbox"/>
Purpose	Why is the information being sought?	
Use	For what purpose will the information be used	
Timeframe	When is the information required by?	
Location and Description of Incident Recorded	Provide as much information as possible to assist staff in finding the information you require, including names of nearby premises and streets etc	
<p>The information collected on this form will be used by the Aurukun Shire Council for the purpose of processing and assessment of your application/request. Your personal details will not be disclosed for a purpose outside of Council protocol, except where required by legislation (including the Right to Information Act 2009 and Information Privacy act 2009) This information will be stored on Council's Database. The information collected will be retained as required by the Public Records Act 2002.</p>		

Declaration	I apply for an approval to access CCTV footage/images. I understand that requests are considered in accordance with the <i>Right to Information Act 2009</i>	
	Applicant's signature..... Date	
Office Use Only		
Date Received:	Receipt No:	
Amount: \$	Cashier:	
Identification sighted by Council Officer:	Drivers Licence <input type="checkbox"/> Passport <input type="checkbox"/> Other..... 	
Authorised Officer Name:		
Application Approved	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Signature	Date:	
DVD/Photo viewed by (insert name of person viewing footage)		
Signature:.....	Date:	
The information collected on this form will be used by the Aurukun Shire Council for the purpose of processing and assessment of your application/request. Your personal details will not be disclosed for a purpose outside of Council protocol, except where required by legislation (including the Right to Information Act 2009 and Information Privacy act 2009) This information will be stored on Council's Database. The information collected will be retained as required by the Public Records Act 2002.		

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

Management, Operation and Use of Closed Circuit Televisions

I acknowledge.

- *receiving the Management, Operation and Use of Closed Circuit Televisions Policy;*
- *that I should comply with the Directive; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in me being dismissed from my employment.*

Your name:

Signed:

Date:

Management, Operation and Use of Closed Circuit Televisions

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

Management, Operation and Use of Closed Circuit Televisions