



# **Blackall-Tambo**

## Regional Council

# Surveillance System Policy

Version Number: One	Effective Date: 15/1/2020
Policy Compiled by: Chief Executive Officer	Review Date:
Policy Approved by: Chief Executive Officer	

## **SCOPE**

This policy provides information to all BTRC Councillors, employees, visitors, members of the public and contractors.

## **PURPOSE**

The purpose of this policy is to provide a framework for the usage, control and authorisation of BTRC's camera monitoring systems. This is in the form of CCTV surveillance and body-worn cameras.

CCTV surveillance is provided to achieve the following objectives:

- To gather information that may be used in evidence if a crime is committed within view of the camera.
- Monitoring of areas for the purposes of gathering evidence for the investigation and prosecution of criminal activity.

Body-worn cameras may be provided to achieve the following objectives:

- Supporting worker safety and reducing violence and aggression toward BTRC Officers.

The CCTV system and body-worn cameras will be managed in accordance with all relevant external regulations such as Privacy Act 1998, Information Privacy Act 2009, Right to Information Act 2009 and Office of the Information Commissioner – Right to Information Guidelines – Camera Surveillance and Privacy policies.

The conditions applied to the use of the CCTV system and body-worn cameras, including the storage of information, access to images are detailed within this policy.

Where appropriate, a Law Enforcement Agency may be asked to investigate any matter recorded by the CCTV system or body-worn cameras which is determined to be of a criminal nature or breaches, BTRC policies and procedures.

## **REFERENCE**

- Commonwealth Privacy Act 1998
- Information Privacy Act 2009 (Qld)
- Right to Information Act 2009 (Qld)

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- Office of Information Commissioner – Guideline “Camera Surveillance and Privacy”
- Blackall-Tambo Regional Council Confidentiality Procedure
- Blackall-Tambo Regional Council Code of Conduct
- Blackall-Tambo Regional Council Privacy Policy

**DEFINITIONS**

To assist in interpretation the following definitions shall apply:

**Body-worn cameras** shall mean cameras worn on the body to record information for the safety of BTRC officers.

**CCTV** shall mean Closed Circuit Television systems. Camera’s strategically placed to record activity of any nature within a defined area.

**Contractor** shall mean an approved business (and its representatives) engaged by BTRC to provide professional goods and/or services.

**Council** shall mean the Mayor and Councillors of Blackall-Tambo Regional Council.

**Councillor** shall mean a Councillor of Blackall-Tambo Regional Council within the meaning of the Local Government Act 2009, includes the Mayor.

**IP** shall mean information privacy.

**Law Enforcement Agency** shall mean any of the following:

- a) The Queensland Police Service;
- b) The Crime and Corruption Commission;
- c) Any other agency, to the extent it has responsibilities for:
  - a. The performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or
  - b. The management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or
  - c. The enforcement of a law, or of an order made under a law, relating to the confiscation of the proceeds of crime; or
  - d. The execution or implementation of an order.

**BTRC** shall mean Blackall-Tambo Regional Council.

**BTRC Facility** shall mean premises, or any BTRC facility, which is visited by members of the general public, where employees or contractors work, or any part of such premises or property.

**Public Area** shall apply to an area accessible to the public that is not included in a BTRC facility. This would apply to areas such as gyms and waste facilities.

**QPS** shall mean Queensland Police Service.



**RTI Request** shall mean an application for information under the Right to Information Act 2009 and the Information Privacy Act 2009.

**Staff/Employees** shall mean all persons employed at Blackall-Tambo Regional Council on a permanent, temporary, volunteer or casual basis and may include person engaged under a contract of service.

**Surveillance** shall mean surveillance of a facility or workplace by means of a camera that monitors or records visual images of activities on premises or any other place.

**Unlawful Activity** an act or omission that constitutes an offence against a law of this State or the Commonwealth.

**Visitor** shall mean invited guest to BTRC buildings/facilities by an employee.

**REQUIREMENTS**

General staff are not permitted to view or access camera recorded data from either the BTRC’s CCTV system or body worn cameras. Only authorised personnel have the authorisation to view data and any disclosure is to remain restricted and confidential. Any request by general staff or third parties to access the data needs to be made by making a Right to Information Application (RTI Request) to BTRC under the Information Privacy Act 2009 and Right to Information Act 2009.

BTRC will ensure that any record made as a result of surveillance is not used or disclosed, unless for:

- Disclosure to a member or officer of a law enforcement agency for use in the connection with the detection, investigation or prosecution of an offence; or
- Disclosure required by law or court order; or
- Released as per exemption under the Right to Information Act 2009.

Procedural information on the use of CCTV is as follows:

- All data collected using this system, including images, will be managed in accordance with the provisions of the Commonwealth Privacy Act 1988, Information Privacy Act 2009 and Right to Information Act 2009 and the relevant BTRC policy relating to the control of private and confidential information.
- All persons involved in the operation of the system are to exercise care to prevent improper disclosure of material.
- Cameras **will not** be hidden and as far as possible will be placed in plain view.
- Signage will be displayed at the CCTV camera monitoring areas. This signage will notify anyone entering BTRC facilities and workplaces that CCTV systems operate within the facility. This system will operate in a manner that is sensitive to the privacy of people working or visiting the area or facility.
- A written record will be maintained of any use of the system at the request of the Law Enforcement Agency. This record will include details of the Law Enforcement Agency Officer making the request, details of the time and date of the request and reasons for the request.
- The level of Law Enforcement Agency’s response to incidents will be determined by the Law Enforcement Agency and will be subject to the various priorities at the time the incident is reported. The BTRC has no control over the policy allocated by the Law Enforcement Agency.



- All incidents requiring attendance by any Law Enforcement Agency or other emergency services will be reported to the CEO, as soon as possible.

Any use of this system or materials produced which is frivolous, or for private purposes, or is otherwise inconsistent with the objectives and procedures outlined within this policy will be considered misconduct. Any BTRC employee involved in incidents of this type will face appropriate disciplinary action in accordance with the relevant BTRC policies, awards, and agreements.

Procedural information on the use of body-worn cameras is as follows:

- Staff members and contractors who are required to use body-worn cameras in the course of their duties are personally responsible for wearing and operating their allocated body-worn cameras in accordance with this policy and any other applicable procedures of BTRC.
- Management are responsible for ensuring that staff and contractors under their supervision receive adequate training in the operation and use of body-worn cameras and monitoring compliance with this and any other applicable procedures on an ongoing basis.
- IT personnel, under the direction of management, are responsible for troubleshooting, secure storage of and access to recorded data, auditing and other such technical support and maintenance as is required to keep camera equipment and software functioning properly.
- Body-worn cameras must be worn in a prominent location to capture a clear recording of any occupational violence incident so that the camera is clearly visible to persons facing the staff member front on.
- Staff members and contractors must activate camera recording, if deemed safe to do so;
  - Where they have a reasonable concern for their safety or welfare;
  - As directed by their supervisor for purposes related to the safety or welfare of staff members or other persons.
- Prior to activating camera recording, or as soon as practicable after recording begins, staff members and contractors must verbally advise any persons in the vicinity that recording is being undertaken.
- Camera recording is not to be activated whilst in change rooms, bathrooms or toilet areas.

Activating camera recording for any unauthorised purpose (for example, practical jokes, taping private conversations or other covert surveillance) will not be tolerated by BTRC and may result in disciplinary action.

## **ACCESS TO FOOTAGE**

### **CCTV Footage**

BTRC does not have the facilities to undertake redacting on CCTV footage and therefore only footage that meets the following criteria may be considered to be released by view only;

- Footage does not contain identifying personal information;
- Incidents regarding law enforcement;
- Incidents where by a person injury has been sustained;

### **Body-Camera Footage**

Camera data that is required (or potentially required) as evidence in any legal or regulatory process is to be retained until such time as BTRC determines that the camera data is no longer required.

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Complaints regarding the use of the CCTV system and body-worn cameras and their operation must be made in writing to the CEO.