

10.1 ADVERTISING OF AMENDED POLICY - CLOSED CIRCUIT TELEVISION

- Attachments:**
1. **Closed Circuit Television (CCTV) Policy 2023**
 2. **Policy 3.9.12 - Closed Circuit Television (CCTV)**

RECOMMENDATION**That Council:**

1. **APPROVES** the proposed amendments to the Closed Circuit Television Policy, at Attachment 1, for the purpose of public notice, which is proposed to replace Policy 3.9.12 Closed Circuit Television (CCTV) at Attachment 2;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed new policy and invite public comments for a period of at least 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received will be presented to Council for consideration.

PURPOSE OF REPORT:

For Council to consider approval of the proposed amendments to the Closed Circuit Television (CCTV) Policy for public notice.

BACKGROUND:

In alignment with the City's Policy Document Register and Review Plan the City's Closed Circuit Television Policy is to be reviewed.

The Closed Circuit Television Policy was first adopted by Council in April 2010 and was due to be reviewed in April 2015.

The provisions outlined in clause 1.3 of the Policy Development and Review Policy were presented to Elected Members in the 23 February 2021 Council Workshop Policy Paper.

DETAILS:

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

Proposed objective of the new policy:

The purpose of this policy is to regulate the management and operation of the CCTV systems. CCTV systems and Recording Device systems will be used to:

- enhance the safety of City Officers, customers and Council Members at City facilities;
- deter suspicious and anti-social behaviour likely to cause damage to City facilities and within our Town Centres;
- deter and investigate offences within researched and targeted locations where local government has legislative responsibility for enforcement; and
- provide WA Police and other law enforcement agencies with footage to assist in their investigative and enforcement activities.

Requirement for a documented City position (including community need or legislative requirement):

The City has CCTV systems and Recording Device systems in place, and an amended policy would ensure that the City ensures that it promotes public safety and minimises the damage or theft of City assets.

As well as the identified community need for a documented City position, a policy would assist the City in achieving its priorities in the Strategic Community Plan, as shown by the alignment of the policy objectives with the SCP and other City strategies.

How the objectives align with the SCP:

The policy objectives, as set out above align with the City's Strategic Community Plan 2018-2028 as follows:

Thriving Places

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

Examples of current use:

There are two CCTV system networks, external to the City's premises, currently in operation throughout the City. These are located in the Leederville Town Centre, and the Mount Lawley/Highgate Town Centre. These two networks have been useful in assisting WAPOL with identifying offenders of various offences, and have had an impact and influence on reducing the number of anti-social and criminal activity reports.

There is also one Recording Device system in operation, worn by the Rangers (body cameras). This, whilst relatively new, has also been very useful in clarifying and identifying various anti-social, criminal and other activity noticed by the Rangers whilst on patrol.

Proposed level of community engagement required:

Once the policy is updated and approved by Council for the purposes of advertising, it is proposed that the policy be readvertised for a period of at least 4 weeks and Town Teams and other interested members are invited to comment.

An assessment of where the policy document sits within the local government decision making hierarchy:

This document falls within the scope of a policy as its purpose is to be a "*general rule or principle which is required to provide clear direction to Administration on the day to day management of the City.*"

The proposed review timeframe and expiry period, if applicable:

The policy would be reviewed every four years or more frequently if changes to strategic objectives or industry standards occur, in accordance with the Policy Development and Review Policy.

CONSULTATION/ADVERTISING:

In accordance with the City's Community Consultation Policy (Appendix 2), public notice of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups.

Public notice of this proposed new policy will be provided from 17 April 2023.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to provide public notice of the proposed amended policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Thriving Places

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

None related to this report.

COMMENTS:

The amended Policy will provide clarification on responsibilities within the organisation that will ensure that the policy is understood and adhered to.

The Policy will be supported by Management Guidelines/Procedures to ensure compliance with legislative requirements and standards relating the installation and management of CCTV systems by the City's Administration.

This Policy will not apply to CCTV systems on private property, which do not fall within the jurisdiction of the City of Vincent.

The draft policy as presented at the Council Briefing held 28 March 2023 has been slightly amended to reflect that an expansion of CCTV infrastructure and/or systems that proposes the capturing and use of third-party information beyond that of video, images, vehicle plate recognition and voice (e.g. biometric data) is subject to Council consideration and approval.

It has further been clarified that an individual's request to access CCTV and Recording Device system records will need to be through a legal mechanism such as a subpoena.

CLOSED CIRCUIT TELEVISION (CCTV) POLICY

Legislation / local law requirements	<i>Freedom of Information Act 1992</i> <i>Surveillance Devices Act 1998</i> <i>Telecommunications (Interception) Western Australia Act 1996</i> <i>Information Privacy Act 2009</i> <i>Right to Information Act 2009</i>
Relevant delegations	Not Applicable
Related policies, procedures and supporting documentation	Not Applicable

PRELIMINARY

INTRODUCTION

Whilst the City of Vincent is a very safe and liveable district, in comparison to other municipalities, it is still affected by antisocial and criminal activity. In an effort to address these concerns, the City has implemented CCTV systems as part of an overall crime prevention strategy.

The CCTV systems are intended to assist in the prevention of crimes against the person or property.

PURPOSE

The purpose of this policy is to regulate the management and operation of the CCTV systems.

CCTV systems will be:

- installed only in locations where the system will promote public safety or minimise damage or theft of City assets;
- operated with efficiency, impartiality and integrity;
- operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed; and
- operated in a way that does not breach the *Information Privacy Act 2009*.

Recording Device systems will be:

- operated only by City officers conducting regulatory functions;
- operated with efficiency, impartiality and integrity; and
- operated in a way that does not breach the *Information Privacy Act 2009*.

OBJECTIVE

The City installs closed circuit television (CCTV) systems in public areas and City facilities with the objectives of promoting public safety and minimising damage or theft of City assets.

City officers carrying out regulatory functions are provided with a Recording Device System (body cameras), with the objective of promoting public safety and minimising threats to public and City employees.

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

CLOSED CIRCUIT TELEVISION (CCTV) POLICY

SCOPE

This Policy applies to City owned and managed CCTV systems & Recording Device Systems.

This Policy applies to all City employees who have the responsibility for the implementation, monitoring, access and disclosure of records as part of the CCTV systems and Recording Device Systems.

RESPONSIBILITY

The Chief Executive Officer is responsible for ensuring the policy is understood and adhered to.

The Chief Executive Officer determines who is responsible for establishing the need for CCTV within City managed community facilities and open spaces. Is also responsible for the recovery and provision of approved footage to authorised representatives.

The Chief Executive Officer determines who has ownership and ongoing responsibility for resourcing and installing, maintaining and repairing the City's CCTV systems and Recording Device Systems.

The Chief Executive Officer determines who is responsible for establishing the need for CCTV monitoring in City buildings, reporting known outages and contract management of service providers.

The Chief Executive Officer determines who is responsible for establishing the need for Recording Device Systems to be used by City employees.

CLOSED CIRCUIT TELEVISION (CCTV) POLICY

POLICY PROVISIONS

DEFINITIONS

CCTV System – includes any system installed by the City to electronically record video or audio/video of any public place or City facility.

Manager – includes person appointed to positions with the title, Executive Manager, Manager, Executive Director and Chief Executive Officer.

Recording Device System – includes cameras, body worn cameras, voice recorders and mobile phones with recording voice/audio capability and the storage of files.

Employees – includes City staff, contractors, volunteers and all others who perform work on behalf of the City.

POLICY

1. IDENTIFICATION OF NEED AND APPROVAL

The resources available for the installation of CCTV systems are limited, and priority is to be determined by a risk assessment of identified sites and a suitable business case. This will be in accordance with the Western Australia Closed Circuit Television (CCTV) Guidelines.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for CCTV monitoring within City managed community facilities and open spaces.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for CCTV monitoring within City buildings.

CCTV infrastructure and systems will be installed where recurrent anti-social or criminal behaviour has been identified or installed as a proactive measure to minimise damage to City facilities.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for an employee to operate a Recording Device System.

An expansion of CCTV infrastructure and/or systems that proposes the capturing and use of third-party information beyond that of video, images, vehicle plate recognition and voice (e.g. biometric data) is subject to Council consideration and approval.

2. RESOURCING, INSTALLATION AND MAINTENANCE

The Chief Executive Officer determines who is responsible for:

- selecting the optimum (within resources) CCTV system location & Recording Device System;
- resourcing the costs of installing, maintaining and as required, modifying each system; and
- installing and maintaining each CCTV system & Recording Device System.

3. CCTV SYSTEMS MONITORING

The City of Vincent CCTV systems primarily will be used to collect information for use in regulatory and legal proceedings. The CCTV systems will not be monitored by City employees on a “real time” basis, nor will the recordings be generally reviewed.

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In some circumstances (such as major public events), it may be appropriate for real time monitoring of the CCTV system to occur. The Manager who identifies the need for real time monitoring is responsible for providing the financial resources necessary to carry out that monitoring.

4. RECORDING DEVICE SYSTEM MONITORING

The City of Vincent Recording Device Systems primarily will be used to collect information for later use in regulatory and legal proceedings. The Recording Device Systems will not be monitored by the City on a "real time" basis, nor will the recordings be generally reviewed.

5. PRIVACY

All CCTV systems and Recording Devices are to be operated in a way that minimises the intrusion upon an individual's privacy whilst still allowing the system to serve the objectives for which it was installed. This will require at least:

- appropriate training of operators;
- notification and permission to individuals of the use of the recording either by:
 - verbal request and approval; or
 - for all CCTV systems installed in public places, the display of signage to a standard no less than that defined in the national Code of Practice for CCTV;
- secure storage, retrieval and destruction of CCTV and recording device data as set out in this policy; and
- the adoption of processes to prevent:
 - loss;
 - unauthorised access, use, modification or disclosure; and
 - any other misuse of CCTV System or Recording Device records.

6. DESTRUCTION OF RECORDS

To minimise intrusion upon the right to privacy, unless further preserved under this policy or required by law all CCTV system and Recording Device system records are to be destroyed 30 days after the record date.

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

- in the assessment of the Chief Executive Officer, believes preservation of the records is in the City's interest for any reason and is directly related to a function or activity of the City;
- the particular record is required as evidence in a potential legal proceeding;
- a request to access the particular record is received from a law enforcement or government regulatory agency (for example WA Police, Department of Fire and Emergency Services, 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 trigger a requirement that the record be retained in compliance with that Act.)

7. ACCESS TO RECORDS

To minimise intrusion upon the right to privacy CCTV and Recording Device system records will be kept confidential and provided to third-parties only when that provision is authorised by law. That will include requests:

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- from law enforcement or government regulatory agencies;
- from individuals (or their legal representatives) where the request is made through a legal mechanism, such as a subpoena; and under the *Right to Information Act 2009* or the *Information Privacy Act 2009*.

The Chief Executive Officer determines who is responsible for the recovery and provision of approved records to authorised third-parties.

In addition, the Chief Executive Officer authorises extraction of a particular record from within the CCTV or Recording Device system records, when the Chief Executive Officer determines that extraction of the record is in the City's best interest and having consideration of the Information Privacy Principles in Schedule 2 of the *Information Privacy Act 2009*.

The Chief Executive Officer may authorise release of the record to a third-party when the Chief Executive Officer determines that the release of the record is in accordance with the Information Privacy Principles in Schedule 2 of the *Information Privacy Act 2009*. When making a determination to release a record the Chief Executive Officer must:

- obtain confirmation that the release is lawful;
- ensure it is related to a function or activity of the City; 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.

8. COMPLAINTS

All complaints received in relation to CCTV systems and Recording Devices are to be dealt with under the City's Code of Conduct and Customer Service Complaint Policy.

OFFICE USE ONLY	
Responsible Officer	Manager Ranger Services
Initial Council Adoption	13/04/2010
Previous Title	Policy No. 3.9.12 – Closed Circuit Television (CCTV)
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

POLICY NO: 3.9.12**CLOSED CIRCUIT TELEVISION (CCTV)****OBJECTIVES**

To provide guidance for the operation of CCTV operated and controlled by the City of Vincent:

- within, on or around City of Vincent Buildings;
- mobile CCTV installed in public spaces; and
- future acquisition and implementation of CCTV within the City.

POLICY STATEMENT

1. This policy applies to City of Vincent owned, leased and operated CCTV systems only.
2. Reducing crime and improving safety are key priorities for the City. The City of Vincent is committed to 'working in partnership to progress Crime reduction and community safety within the City' (Community Safety and Crime Prevention Plan).
3. This Policy deals with the installation of CCTVs as a strategic element of the City's commitment to safety and crime reduction;
4. This Policy should be read in conjunction with the 'Draft City of Vincent CCTV Strategy 2010 and Beyond'.

Date Adopted:	13 April 2010
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	April 2015

GUIDELINES AND POLICY PROCEDURES FOR USE OF CLOSED CIRCUIT TELEVISION (CCTV) POLICY NO. 3.9.12

1. Principles

The City of Vincent recognises best practise in administering operation of all City owned operated, leased CCTV systems.

All CCTV systems and future acquisition of CCTV will comply and meet minimum standards as prescribed in:

- Australian Standard 4806.1 – Closed Circuit Television (CCTV) Management and Operation – Code of Practice.
- Australian Standard 4806.2 – Closed Circuit Television (CCTV) Application Guidelines.
- Western Australia CCTV guidelines, WA State Government Office of Crime Prevention.
- Western Australia Police Preferred Minimum CCTV System standards.

Where appropriate and possible, Mobile CCTV will be registered on WA Police register of CCTV systems within the State; <https://blueiris.police.wa.gov.au/> . The City registration of mobile CCTV cameras on Blue Iris will be managed by the Coordinator Safer Vincent, whom will also handle ongoing police liaison and enquiries with cameras.

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising City infrastructure or public spaces with the objective of recording incidents of alleged criminal or unwanted behaviour.

The system will be operated equitably, within applicable law, and only for the purposes to which it is established.

2. Code of Practice

Signage

Prominent and appropriate signage will be permanently displayed at camera locations to notify employees, council members and members of public of the presence of CCTV cameras.

Access to CCTV equipment

All CCTV equipment will be located within secure areas and not accessible to unauthorised persons.

Recording and Storage of information

Recording of video images or still photographs will only occur if the Chief Executive Officer or Manager of Rangers and Community Safety Services is of the opinion that an offence against a Statute Law is being or is likely to be committed. At no time shall the CCTV system be used with the intent to examine individuals going about their lawful business.

Any person requesting a video recording shall apply in writing to the Chief Executive Officer and give reasons for such requests.

At no time shall any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without the prior approval of the Chief Executive Officer.

Liaison with WA Police

Members of the WA Police may request the cooperation of the City of Vincent and usage of CCTV systems.

All requests made by the WA Police or any other law enforcement agency should be referred to the Manager of Ranger and Community Safety Services who will advise the City's Chief Executive Officer of such a request and to seek approval.

Privacy principles

CCTV usage in the City will be guided by confidentiality and privacy provisions in Western Australian law included within the:

- [Freedom of Information Act 1992](#)
- [Surveillance Devices Act 1998](#)
- [Telecommunications \(Interception\) Western Australia Act 1996](#)

Mobile CCTV deployment

Business, agency or community requests for mobile CCTV deployment and installation will be handled by the Coordinator Safer Vincent. Requests are to be made in writing, addressed to the Chief Executive Officer and forwarded to the next available Safer Vincent Crime Prevention Partnership Meeting for consideration of camera location(s) and duration of deployment recommendations. Where this is not possible (i.e. over a leave period or duration where the SVCPP is not meeting) the deployment of cameras will be determined by the Coordinator Safer Vincent and Manager of Ranger and Community Safety Services, in conjunction with WA Police.

Where possible, accompanying WA Police crime data, descriptions, timing and specific locations of alleged offences will be provided to the SVCPP to enable accurate assessment. As the number of cameras available to the City is limited, it is noted not all applications and requests for deployment of mobile cameras will be possible. As per availability of CCTV cameras, requests for CCTV cameras will be prioritised in terms of the nature and severity of alleged offences, the suitability of location at each location and WA Police recommendations. Removal of mobile cameras from a specific location is at the discretion of the City of Vincent Administration and can happen at any time.

Complaints

All complaints will be investigated and reviewed in accordance with Council Policy 4.1.3 “Customer Service Complaints Management” and where requested, complainants will be notified of the results of the investigation, within the prescribed timeframes of this policy.

Responsibility

The Manager Ranger and Community Safety Services is responsible for the management of the City’s CCTV system, including maintenance of the CCTV system and protection of privacy interests of individual members, the City of Vincent council members, staff and members of public from invasive monitoring.

The Manager Ranger and Community Safety Services will ensure that all employees involved in recording, observation and capture of images are informed, through training or through other means, of their responsibility to act in an ethical and lawful manner as per the relevant legislation.

If evidence is provided that an individual or individuals are using the system inappropriately, the City will take appropriate action to cease or minimise reoccurrence. Inappropriate use of the CCTV system will be considered a breach of the City’s Code of Conduct and will be dealt with accordingly.