



# **CLOSED CIRCUIT TELEVISION (CCTV) WORKPLACE SURVEILLANCE POLICY & PROCEDURE**

Approval Date:	26 May 2020
Review Date:	Every 12 months
Responsible Officer:	GM

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## **POLICY STATEMENT**

Walgett Shire Council supports the implementation and operation of a CCTV network in and around Council Premises to enhance the safety and security of employees, visitors and property while protecting the individuals' rights to privacy.

CCTV consists of dedicated high-resolution cameras providing continuous real time surveillance of Council property and public places. The primary use of CCTV is to discourage the occurrence of unlawful activity and enhance the chances of apprehending offenders. The policy also includes motor vehicle and "Lone Worker" tracking.

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## **OBJECTIVES:**

The Objectives of the Walgett Shire Council CCTV and tracking system are:

- To act as a deterrent for the prevention of vandalism, graffiti and damage to property.
- To permit the controlled provision of information by Council to authorised security and agencies such as Police and the courts to enable the development of effective response to recorded and or observed incidents.
- To use as a tool to support the Police in verifying incidents and suspect activities and prosecuting offences.
- To assist compliance with work, health and safety requirements; legislative obligations; and ensure appropriate standards of performance and operations by council staff.

The CCTV site includes all public places, Council land and buildings, including those areas occupied by public facilities such as Administration Centres, swimming pools, libraries, work depots, water and sewer treatment facilities.

Surveillance also includes tracking of motor vehicles for lone worker protection, asset management, recording of plant hire use for diesel fuel rebates and general maintenance of plant.

**DEFINITIONS:**

**Camera:** includes an electronic device capable of monitoring or recording visual images of activities on premises or in any other place

**Employee:** a person working for Walgett Shire Council, including contractors and volunteers

**Law enforcement agency** means any of the following:

- a) NSW Police,
- b) A police force or police service of another state or territory,
- c) The Australian Federal Police,
- d) The Police Integrity Commission,
- e) The Independent Commission against Corruption,
- f) The New South Wales Crime Commission,
- g) The Australian Crime Commission,
- h) The Department of Corrective Services,
- i) The Department of Juvenile Justice,
- j) Any other authority or person responsible for the enforcement of the criminal laws of the commonwealth or of the state,
- k) A person or body prescribed for the purposes of this definition by the regulations.

**Surveillance:** means surveillance of a workplace by means of a camera that monitors or records visual images of activities on premises or in any other place, also includes motor vehicle tracking.

**Unlawful activity** means an act or omission that constitutes an offence against a law of this state or commonwealth,

**Council facility** means premises, or any Council property, which is visited by members of the general public, where employees work, or any part of such premises or property.

**PURPOSE:**

The purposes of the Walgett Shire CCTV and tracking System are:

- To operate according to recognized standards such as the NSW Government CCTV guidelines and privacy provisions, such as the operations will not provide for private individuals requesting copies of vision.
- To operate with efficiency, impartiality and integrity
- To operate with regard to the public requirements for due care, confidentiality and respect.

Council conducts workplace surveillance in a number of different ways and for a variety of purposes. This is considered necessary and appropriate to ensure:

- the health, safety and welfare of individuals so far as is reasonably practicable
- the integrity and security of Council's systems, networks and assets
- the continuous attainment of appropriate standards of performance and operations by Council, and
- compliance with Council's legal obligations.
  
- The use of workplace surveillance has a range of benefits to Council and the people with which it interacts (including Employees) as it has the potential to:
  - deter vandalism, theft or acts of violence
  - reduce the risks associated with security incidents
  - assist in identifying those responsible for criminal or inappropriate conduct, and
  - provide additional support and assistance to Employees in certain situations or scenarios.
  
- Council will not monitor Employees' activities or whereabouts unless:
  - there is a potential or immediate threat to an employee's health or

- safety or
  - it is suspected/alleged that there has been a serious breach of Council's policies and procedures or
  - previous attempts at performance improvement procedures have not been successful and the employee has been sufficiently warned that monitoring may occur.
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- Any grievance or issue associated with the application of this Policy shall be dealt with in accordance with Council's Grievance Handling Policy, Disciplinary Policy and/or the Award.
  - Council will adopt a consistent and ethical approach to the implementation and conduct of workplace surveillance.

**PROCEDURES:**

The procedure for assessing the need and implementation of CCTV and tracking is as follows:

- a) Demonstrate Need for CCTV
  - Documented evidence of high risk of unlawful incidents occurring or reoccurring or prima facie evidence of serious misconduct.
- b) Develop and Record Implementation Strategy
  - Record a proposal for installation, including:
  - The specific purpose of CCTV monitoring;
  - The physical area to be placed under CCTV monitoring.
  - Motor Vehicle tracking
- c) Approval for Implementation
  - Approval to be obtained from the General Manager
- d) Implement CCTV Facility, including staff training
  - CCTV register will be maintained by the CFO/Director Corporate Services
  - All viewing to be recorded into CCTV register, identifying the need to view the recording, who was present and date
  - Appropriate signage will be installed and recorded in the CCTV register
  - Unlawful activity captured and identified in recordings will be investigated and reported to the Law Enforcement Agency as considered necessary or to Council's General Manager and / or Human Resources in the matter relating to a council employee
- e) Monitor
  - Monitoring will be on 'as needed' basis, including a review of the CCTV registers and motor vehicle tracking program

**SUPPORTING INFORMATION:**

Other procedural information on the use of CCTV and tracking 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, Workplace Surveillance Act and Regulation 2005, and the relevant Council policy relating to the control of private 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 public view except for operational requirements.
- Signs that CCTV cameras are operating will be displayed at key locations. The signs will make people entering Council workplaces aware that CCTV systems operate within the Council.
- The Policy will be available in Council's Policy Register. The introduction of the system (or any subsequent changes) will be publicized through the use of the Council notice boards for a period of two weeks.

- The system will operate in a manner that is sensitive to the privacy of people working in the area.
- Persons authorized to access the operations of the cameras will receive training in the varying degrees of privacy afforded by Council, public, semi public and private premises within a mixed Council workplace and public access domain such as swimming pools and recreational parks.
- There may be circumstances where the Law Enforcement Agency may wish to conduct a pre-planned operation at Council workplaces. The General Manager or nominated Director may authorize the use of this system to support these operations; provided it is done within the provisions of this Policy and a representative of the Law Enforcement Agency is present in the room for recording for the full duration of the operation.
- 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 response to incidents will be determined the Law Enforcement Agency and will be subject to the various priorities at the time the incident is reported. The Council has no control over the priority allocated by the Law Enforcement Agency.
- All incidents requiring attendance by the Law Enforcement Agency or other emergency services will be reported to the General Manager, 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 gross misconduct. Any Council employee involved in incidents of this type will face appropriate disciplinary action in accordance with the relevant Council policies, awards, agreements, and Workplace Surveillance Act and Regulations 2005. A 24-hour record is kept of event activity in the recorder of the CCTV units.
- As council employee confidence in the system is essential, all cameras will be operational. An appropriate maintenance program will be established and under no circumstances will “dummy” cameras be used.
- Council may use surveillance information for measuring, assessing and improving the productivity of Council as a whole.
  - Data gathered from Council’s surveillance information will not be used as a primary resource in performance management action relating to a specific employee or a group of employees. Where an issue arises in relation to an employee’s conduct or work performance, the data may be used to highlight areas for improvement during a discussion between Council, the employee and the employee’s representative to determine appropriate improvement strategies e.g. training.
  - Except in instances of alleged serious misconduct, surveillance information will only be used during an investigation or as part of a disciplinary process after all other attempts to correct poor conduct or work performance have failed and the employee has been sufficiently warned of the consequences of continued poor performance.

### **Introduction**

This document details the management of closed circuit television system (CCTV) and tracking devices. The system is implemented by Council to assist in the protection of employees and visitors to the Council facilities or workplaces as well as providing enhanced security for Council assets and if necessary improving the productivity of Council.

The CCTV and tracking system will be managed in accordance with all relevant external regulations such as Workplace Surveillance Act 2005 and Council policies. The conditions applied to the use of the system, including the storage, disposal and access to images and the storage of information, are detailed within this Policy.

Where appropriate, a Law Enforcement Agency may be asked to investigate any matter recorded by the CCTV system which is deemed to be of a criminal nature.

This policy will detail instances of activity by the Council that are covered by the surveillance provisions: camera surveillance; and tracking surveillance.

## **Policy**

### **CCTV surveillance**

Walgett Shire Council will use CCTV to enhance the safety and security of employee's visitors and property, while protecting individuals' rights to privacy.

CCTV consists of dedicated high-resolution cameras providing continuous real time surveillance of Council property. The primary use of CCTV is to discourage the occurrence of unlawful activity and enhance the chances of apprehending offenders.

### **Tracking surveillance**

Tracking devices come in many forms and can be fixed (i.e. to a vehicle) body or handheld. The devices can be used by Council to provide operational and/or safety information related to the exercise of a function of Council and matters relating to serious misconduct by a council employee.

### **Requirements for tracking surveillance**

Council will install visible signs in all vehicles fitted with tracking devices to inform all vehicle users that surveillance tracking is being carried out.

## **Definitions**

**camera** includes an electronic device capable of monitoring or recording visual images of activities on premises or in any other place.

**employee** a person working for Walgett Shire Council, including contractors and volunteers

**law enforcement agency** means any of the following:

- a. NSW Police,
- b. a police force or police service of another State or a Territory,
- c. the Australian Federal Police,
- d. the Police Integrity Commission,
- e. the Independent Commission Against Corruption,
- f. the New South Wales Crime Commission,
- g. the Australian Crime Commission,
- h. the Department of Corrective Services,
- i. the Department of Juvenile Justice,
- j. any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State,
- k. a person or body prescribed for the purposes of this definition by the regulations.

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

**unlawful activity** means an act or omission that constitutes an offence against a law of this State or the Commonwealth.

**Council facility** means premises, or any Council property, which is visited by members of the general public, where employees work, or any part of such premises or property.

**Tracking surveillance** - is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as Global Positioning System tracking device) for a motor vehicle or employee.

**The Act** – The Workplace Surveillance Act 2005

### **Responsibility**

Amendments or extensions to the Policy will only take place after appropriate consultation and approval of Council. Where specific arrangements are established for surveillance of an area, a written record of the agreed procedures will be made.

The General Manager may approve minor changes to the system that do not have a significant impact on the intent of the Policy or the procedures established to monitor adherence with its provisions.

The CFO/Director Corporate Services or his delegate is responsible for the CCTV and employee tracking:

- managing compliance with this Policy, including compliance by employees and visitors engaged to work on the system.
- the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison, compliance with the Policy and Operational Manual by employees or any other authorised person, employee training, the preparation of reports and the evaluation of the system performance.

The Director Works or his delegate is responsible for plant and fleet vehicle tracking:

managing compliance with this Policy, including compliance by employees and visitors engaged to work on the system.

- the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison, compliance with the Policy and Operational Manual by employees or any other authorised person, employee training, the preparation of reports and the evaluation of the system performance.

The Information Technology Coordinator is responsible for:

- Managing the cameras and recording, ensuring that only authorised personnel are given access. A record will be kept of all personnel accessing the CCTV recorders.

### **Related Documentation**

Workplace Surveillance Act 2005

Workplace Surveillance Regulation 2005

Commonwealth Privacy Act 1988

### **NOTICE OF SURVEILLANCE**

Section 10 (4) of the Act requires organisations to meet the following five elements relating to the provision of prior notice in writing to employees. They are as follows:

#### **The kind of surveillance to be carried out**

Camera and tracking surveillance will be carried out by Council.

#### ***How the surveillance will be carried out***

Council will use overt cameras, tracking devices and any other similar surveillance methods permitted by the Act that Council deems appropriate from time to time.

#### ***When surveillance under this policy will commence***

Surveillance under the Act and reflected in the policy is effective 14 days after the day this policy is distributed to affected employees.

#### ***If the surveillance is continuous or intermittent***

The surveillance will be a combination of both continuous and intermittent, dependent upon the means of surveillance being used.

#### ***If the surveillance is to be for a specified limited period or ongoing***

The various means of surveillance covered by this policy will be ongoing

## **NOTIFICATION TO EMPLOYEES**

Notification to employees of this policy will be in writing or by email which constitutes notice in writing for the purpose of complying with the Act. Existing employees of Council shall be notified of the installation and intent of surveillance measures through the dissemination of this policy. Workers yet to commence with Council shall be given notification of this Surveillance Policy as part of their offer of employment. By accepting employment with Council the employee will be consenting to the conduct of surveillance in accordance with this policy, immediately upon the commencement of employment with Council. There is an exception to official notification in circumstances where employees have agreed to the carrying out of surveillance for purposes other than the surveillance of employees. This situation would cover, for example, security cameras that are placed in public places, such as the library, lobbies, corridors, courtyards, car parks or lifts, for the safety of residents/ratepayers.

### **Procedure**

The procedure for assessing the need and implementation of CCTV or tracking is as follows:

1. *Demonstrate Need for CCTV or Tracking*
  - *Documented evidence of high risk of unlawful incidents occurring or re-occurring.*
2. *Develop and Record Implementation Strategy*

*Record a proposal for installation, including:*

  - *The specific purpose of CCTV or Tracking;*
  - *The physical area to be placed under CCTV or Tracking monitoring*
3. *Implement CCTV or Tracking System, Including Staff Training*
  - *CCTV register will be maintained by the Information Technology Coordinator*
  - *All viewing to be recorded into CCTV register, identifying the need to view the recording, who was present and date*
  - *Appropriate signage will be installed and recorded in the CCTV register.*
  - *Unlawful activity captured and identified in recordings will be investigated and reported to the Law Enforcement Agency as considered necessary*
4. *Monitor*
  - *CCTV monitoring will be on a monthly basis, including a review of the CCTV registers.*
  - *Plant and Fleet Tracking will be on an as needs basis.*
5. *Review*
  - *The policy is to be reviewed every two years.*

Other procedural information on the use of CCTV or Tracking Systems 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, Workplace Surveillance Act and Regulation 2005 and the relevant Council policy relating to the control of private 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 public view.
- Signs will be displayed at entry points to the CCTV camera monitoring area. The signs will allow people entering Council facilities and workplaces to be made aware that CCTV systems operate within the facility.
- Introduction of the system (or any subsequent changes) will be publicised in the local newspaper for a period of 14 days.
- The system will operate in a manner that is sensitive to the privacy of people working or visiting the area or facility.
- Persons authorised to access the operations of the cameras will receive training in the varying degrees of privacy afforded by Council, public, semi public and private premises within a mixed Council workplace and public access domain such as swimming pools, libraries and recreational parks and gardens.

- There may be circumstances where the Law Enforcement Agency may wish to conduct a pre-planned operation at Council facilities or workplaces. The General Manager or CFO/Director Corporate Services may authorise the use of this system to support these operations, provided it is done within the provisions of this Policy and a representative of the Law Enforcement Agency is present in the room for recording for the full duration of the operation.
- 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 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 Council has no control over the priority allocated by the Law Enforcement Agency.
- All incidents requiring attendance by the Law Enforcement Agency or other emergency services will be reported to the General Manager, 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 gross misconduct. Any Council employee involved in incidents of this type will face appropriate disciplinary action in accordance with the relevant Council policies, awards, agreements, and Workplace Surveillance Act and Regulations 2005. A 24-hour record is kept of event activity in the recorder of the CCTV units.

#### ***Use and disclosure of surveillance information***

Surveillance information means information obtained, recorded, monitored or observed as a consequence of surveillance in a workplace. Surveillance information will only be used/disclosed for legitimate employment/business purpose or in connection with suspected corruption, illegal activity, maladministration, misuse of Council resources and imminent threat of serious violence to persons or substantial damage to property, in accordance with Section 18 of the Act. Whilst information obtained from surveillance devices will not be used for this sole purpose, it may be used by Council as part of investigations for disciplinary purposes and as evidence during any disciplinary interviews in compliance with the disciplinary procedures within the relevant industrial award. Other than identified responsible Managers as outlined in this policy, surveillance records will not generally be made available to Managers, Directors unless a valid request (as outlined above) for access and use of surveillance records is submitted. Such a request must be submitted to the General Manager for approval.

#### **Training**

Code of Conduct  
System operation

#### **Reporting**

Breaches of this Policy and of security must be subject to proper investigation by the CFO/Director Corporate Services. The CFO/Director Corporate Services shall be responsible for making recommendations to the General Manager to remedy any breach which is proved or evidenced. Council reserves the right to apply disciplinary sanctions for breaches, up to and including referring the breach to the Law Enforcement Agency. Complaints regarding the CCTV or Tracking system and its operation must be made in writing in accordance with Council's Customer Services & Complaints Handling or Employee Grievance Disputes Policies.

#### **References**

Workplace Surveillance Act 2005 No 47  
Workplace Surveillance Regulation 2005  
Code of Ethics - Australian Security Industry Association Ltd  
Walgett Shire Council Code of Conduct  
Walgett Shire Council Employee Grievance Disputes Policy  
Walgett Shire Council Customer Services & Complaints Handling Policy