

LIVERPOOL PLAINS SHIRE COUNCIL

POLICY REGISTER

Policy No. 1.49

POLICY TITLE: COUNCIL FACILITY AND WORKPLACE SURVEILLANCE

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History of Policy Review

Version	Adoption Date	Minute No	Details of Review
1	16 th December 2009	12793	New Policy
2	26 th February 2014	741	Increased security of Council facilities and plant

OBJECTIVES

The CCTV systems are intended to provide an increased level of security in the Liverpool Plains Shire Council environment for the benefit of those who work or visit Council properties and workplaces. This includes all Council land and buildings, including those areas occupied by public facilities such as Administration Centres, swimming pools, recreational parks, sportsgrounds, libraries, footpaths, depots, waste depots, water and sewer treatment facilities.

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

POLICY STATEMENT**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.

The CCTV 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**

Liverpool Plains Shire Council will use CCTV to enhance the safety and security of employees 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) 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.

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 Liverpool Plains 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).

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 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.

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

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- 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 Manager 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 Manager*
 - *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.*

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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 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.

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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 or Mayor 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 Director Corporate Services. The 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
Liverpool Plains Shire Council Code of Conduct
Liverpool Plains Shire Council Employee Grievance Disputes Policy
Liverpool Plains Shire Council Customer Services & Complaints Handling Policy