Closed Circuit Television (CCTV) and Recording Policy

1 Introduction

1.1 This Policy guides the operation, management and regulation of the City of Burnside Closed Circuit Television (CCTV) and audio/visual recording systems.

2 Strategic Plan Desired Outcomes

2.1 Delivery of good governance in Council business.
2.2 A safe community that values and supports its people.
2.3 A respected organisation that is resilient, progressive and adaptable with a culture that encourages well-being, learning and development.

3 Our Approach

3.1 Regularly review, update and adopt leading governance, risk management and administrative practices.
3.2 Design and plan for safe streets and public places which create a sense of pride and community.
3.3 Provide a workplace environment that is healthy and safe.

4 Legislative Requirements and Corporate Policy Context

4.1 This Policy is made in consideration of Sections 4 and 7 of the Listening and Surveillance Devices Act 1972 which makes provisions relating to the use of Listening Devices.
4.2 Taking audio/visual recordings of Council meetings is a matter relevant to the proceedings of the meeting that may be regulated by Council as it sees fit. Specifically, pursuant to section 86(8) of the Local Government Act 1999, Council is empowered to determine its own meeting procedures wherever they are not prescribed by legislation.

4.3 Extracts of audio/visual recordings of Council meetings may be used as evidence of inappropriate conduct of persons present at the meeting. This includes for the purposes of taking action in relation to the conduct of a member of the public present at a meeting that gives rise to an offence of interrupting a Council meeting such as under regulation 30(b) of the Local Government (Procedures at Meetings) Regulations 2000, section 95 of the Local Government Act 1999 or section 18A(1)(c)(ii) of the Summary Offences Act 1953.

4.4 Any video surveillance by Council or any recording of a Council meeting by Council constitutes an 'Official Record’ for the purposes of the State Records Act 1997. This means such recordings are subject to Council’s record keeping obligations and only disposed of in accordance with the City of Burnside Records Management Policy and the General Disposal Schedule 20.

4.5 The Freedom of Information Act 1991 gives a legally enforceable right of access by members of the public (subject to certain restrictions) to records held by government agencies and Councils. Official Records of Council may be accessible to an applicant under the Freedom of Information Act 1991.

4.6 Where appropriate, if an activity which is deemed to be of a criminal nature (i.e. graffiti, vandalism, illegal dumping etc) is recorded by CCTV and identified by Council staff, the matter will be referred to the South Australian Police (SAPOL) or an appropriate enforcement agency.

5 Interpretation

5.1 For the purpose of this Policy:

5.1.1 “Audio/Visual Recordings” means any sound and/or video recordings or data captured by electronic devices such as CCTV cameras, microphones, telephones/mobiles equipped with recording software or voice recorders. This includes CCTV and/or listening devices.

5.1.2 “Closed Circuit Television (CCTV)” is a system used for video surveillance using video cameras and transmitting the recorded data to a recording device or monitor(s).

5.1.3 “General Disposal Schedule (GDS) 20” is a systematic listing of records created by a local government organisation. The GDS includes retention periods that are to be applied to official records.

5.1.4 "Information Management” is the collection and management of captured audio/visual recordings and information.

5.1.5 "Listening Devices" means any device which can be used to record audio such as audio enabled CCTV cameras, microphones, telephones/mobiles equipped with recording software or voice recorders.

5.1.6 "Officers" are members of staff with the responsibility of managing, monitoring or extracting audio/visual recordings and associated capture devices.

5.1.7 “Official Record” means a written, graphic, disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device) made or received by Council in the conduct of its business.
6 Policy Objectives

6.1 Council values the safety and security of Elected Members, customers, volunteers, contractors, staff and physical assets.

6.2 This Policy addresses the intended purpose of audio/visual recording systems, public notification, information management and access of audio/visual recordings.

6.3 The various purposes of audio/visual recording systems include reducing personal and property crime, to deter undesirable behaviour, to capture accurate records of meetings and events, to protect people and assets, to gather reliable information for evidentiary purposes, to provide evidence to an investigative authority, or for quality and training purposes.

7 Information Management

7.1 Officers responsible for the management of audio/visual recordings are to exercise care to prevent improper disclosure of material.

7.2 Any approved access to CCTV footage for monitoring, maintenance and/or investigative purposes must be recorded, approved and an auditable record of access be created.

7.3 Any captured audio/visual recordings must be maintained in accordance with the State Records Act 1997.

8 Public Notification

8.1 CCTV cameras will be installed by qualified technicians in accordance with appropriate Australian Standards and placed in visible locations.

8.2 Council will clearly display signs at key entry points of facilities equipped with audio/visual recording devices to notify visitors that such devices are in operation.

8.3 During events or interactions where audio recording may be in operation such as during meetings, interviews, training sessions or telephone calls a statement that audio recording is in operation will be provided except for during instances where audio recording may be used in the course of duties in accordance with the provisions of Section 7 of the Listening and Surveillance Devices Act 1972.

9 Public Access to Recordings

9.1 Access to audio/visual recordings by members of the public including the media must be done through the Freedom of Information (FOI) process.

9.2 Any application received under the FOI Act must be determined by an accredited Freedom of Information Officer. If the application is approved, a member of the public may then listen/view the recording at the Civic Centre or obtain a copy of the requested recording within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a staff member delegated by the Chief Executive Officer (CEO) will be present at all times to operate the equipment.

10 Elected Member Access to Recordings

10.1 Section 61(1) of the Local Government Act 1999 provides that ‘a member of a Council is entitled at any reasonable time, in the connection with the performance
or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant Council document’.

10.2 Section 61(2) of this Act requires any request for access to be directed to the Chief Executive Officer (CEO) of the Council or such other officers as the CEO has specified. Provided that:

10.2.1 the Elected Member makes the necessary request in writing to view or obtain a copy of the footage to the CEO of the Council; and

10.2.2 the CEO is satisfied that access to the relevant information is connected with the performance or discharge of the functions or duties of that Elected Member; or

10.2.3 it does not contain confidential information that the Elected Member requesting access would not normally be allowed (e.g. excluded due to conflict of interest, potentially compromising an ongoing investigation, or if there is a risk to building and/or staff security).

10.3 If the application is approved, the Elected Member may then view the footage at the Civic Centre or obtain a copy of the requested footage within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a staff member delegated by the Chief Executive Officer will be present at all times to operate the viewing equipment.

11 Staff and Investigative Access to Recordings

11.1 Any requests where staff access to audio/visual recordings for the administrative purposes identified in Section 6.3 of this Policy must be directed to the CEO or such other officers as the CEO has specified.

11.2 Any investigative requests by the South Australian Police, Australian Federal Police or the Independent Commissioner Against Corruption into possible criminal or corrupt activity must be directed to the CEO or such other officers as the CEO has specified.

11.3 Council staff must adhere to the Information Management clauses detailed in Section 7 of this Policy.

12 Privacy

12.1 Council will remain compliant with the privacy provisions in the Freedom of Information Act 1991 and the Listening and Surveillances Act 1972 as well as any privacy legislation applicable to Local Government.

12.2 As a general rule, Council will not make use of information collected in the conduct of its business for purposes other than those for which that information was collected.

12.3 Officers responsible for the management of audio/visual recordings are to exercise care to prevent improper disclosure of material.

13 Review and Authority

13.1 This Policy will be reviewed bi-annually in accordance with Council’s Policy and Procedure Framework.

13.2 For the purposes of operational requirements whilst still supporting the intent of the Policy, the General Manager, Corporate Services may approve, waive or vary requirements of this Policy as needed.
14 Availability

14.1 The Policy is available to be downloaded, free of charge, from Council’s website www.burnside.sa.gov.au

14.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre
401 Greenhill Road, Tusmore SA 5065

Telephone: 08 8366 4200
Fax: 08 8366 4299
Email: burnside@burnside.sa.gov.au

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

15 Further information

15.1 For further information about this policy please contact:

Manager Information Systems
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