

POLICY:	Corporate Closed Circuit Television (CCTV) Policy
DATE ADOPTED:	Corporate Services and Finance Report #8.1.2 Policy Meeting 5 March 2025 Resolution No. POL2025-3
ORIGINAL ADOPTION:	Corporate Services and Finance Report #8.1.2 Policy Meeting 5 March 2025 Resolution No. POL2025-3
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OBJECTIVE:	This Policy sets out how Bathurst Regional Council may use, install, operate and control CCTV cameras as part of the Corporate Network at its Premises.

1 Objective, Scope and Implementation

1.1 CCTV at BRC Premises

Bathurst Regional Council (**BRC**) operates a number of corporate closed circuit television (**CCTV**) cameras as part of its facilities throughout our region (**Premises**). These cameras are mostly for the purposes of property protection, and are in addition, and separate, to the public-facing CCTV cameras Council administers in conjunction with the NSW Police as part of the CBD CCTV network. BRC also have some corporate CCTV cameras that are operated and maintained by private security organisations on its behalf.

1.2 Application and Scope

This CCTV Policy (**Policy**) applies to all employees, management, contractors, customers and any other visitors at BRC's Premises. This Policy sets out how BRC may use, install, operate and control CCTV cameras at its Premises. This Policy also covers the placement of mobile CCTV cameras.

BRC will ensure that the way in which footage and personal information is recorded, collected, handled, stored, disclosed and/or otherwise used through the use of CCTV camera monitoring systems (**CCTV Monitoring Systems**) at its Premises falls within the guidelines prescribed by all relevant laws, regulations and guidelines.

BRC's use of the CCTV Monitoring System does not include use of audio recording devices.

This Policy does not apply to the CBD CCTV system operated by BRC in conjunction with the NSW Police.

1.3 Purpose

BRC may install CCTV cameras for one or more of the following purposes:

- (a) to act as a deterrent for damage to its facilities, and to collect evidence for investigation and prosecution of any such damage.
- (b) to meet legal requirements and guidelines for the prevention of crime, public safety, public disorder and public nuisance at its facilities.
- (c) to identify, respond to and assist in the factual, accurate and speedy reconstruction of the circumstances of incidents taking place at its facilities.
- (d) to enable the supply of footage to law enforcement agencies and other local authorities upon request.
- (e) to enhance the general safety and security of employees and visitors to BRC Premises through effective monitoring policies.
- (f) to provide oversight of waste management operations including the monitoring of material being brought to the centre as well as the vehicle data used as part of a transaction.
- (g) to provide intelligence for local emergency situations when an Emergency Operations Centre is established under the State Emergency Management Act.
- (h) to oversee the use of mobile CCTV cameras to observe areas of known illegal dumping or for other compliance or regulatory purposes
- (i) to allow remote monitoring of waste and water infrastructure, and Mount Panorama operations.

2 Essential Guidelines & Requirements

2.1 Monitored Areas

BRC's CCTV cameras will normally be installed in public locations, with the purposes listed in this Policy. CCTV cameras may be installed both internal and external to a building. Mobile CCTV cameras may be located to observe areas of known illegal dumping or for other compliance or regulatory purposes.

CCTV cameras are not installed in any private locations, nor will the CCTV cameras be positioned in a manner that may record a person in a private place.

2.2 CCTV Installation

CCTV cameras will be installed and mounted:

- (a) By BRC staff or authorised licenced security installation companies or such other authorised person with appropriate CCTV installation experience.
- (b) at proper distances and at a proper inclination to optimise surveillance and provide clear and recognisable images.
- (c) to adequately capture images for any relevant purposes and requirements.
- (d) in visible locations across the monitored areas (cameras will not be installed in private places); and
- (e) to an adequate standard to ensure safety.

2.3 CCTV Operation

- (a) The operation of the CCTV will be in accordance with New South Wales legislative requirements and other appropriate Federal laws (where applicable).
- (b) In accordance with the *Workplace Surveillance Act 2005* (NSW), BRC will not commence surveillance of employees without prior notice to the employee. Where employees may be indirectly captured by CCTV cameras due to the location of their daily work, they will be notified in writing of this.
- (c) The CCTV Monitoring System will operate in real time on a continuous 24-hour basis, seven (7) days per week.
- (d) Access to any monitors displaying CCTV footage (whether in real time or otherwise) will be restricted to Authorised Personnel.
- (e) CCTV recording equipment will be kept within secure areas and may only be accessed by Authorised Personnel.

3 Collection and Storage of Footage

3.1 Collection and Storage

CCTV images captured and recorded (**Footage**) at BRC facilities will:

- (a) be captured in real time.
- (b) be stored on a secure digital drive located at a designated location controlled by BRC or by a designated service provider engaged by BRC.
- (c) be retained for the recommended minimum data retention period for recorded footage as specified by legislated or regulatory requirements (or otherwise in accordance with this Policy as amended by BRC from time to time).
- (d) be stored on Council's Records Management System if it relates to an incident and is required to be retained for evidentiary purposes.

3.2 Disposal of Footage

Footage will generally be stored for a minimum of 30 days after which it may be disposed of. Footage relevant to an incident or other occurrence taking place, may be retained for a longer period of time.

For the purpose of this Policy, the disposal of footage includes the overwriting of the footage on the storage device.

3.3 Access to Stored Footage

- (a) Access to Footage and storage areas (both physical monitoring areas and digital storage areas) will be restricted to Authorised Personnel only or (where required by law) an Authorised Officer.
- (b) Footage will not be accessed or viewed by any personnel or other individual who does not hold written express authority from BRC to access or view such Footage (with the exception of Authorised Officers or as otherwise permitted or required by law).
- (c) All Authorised Personnel involved in the recording, observation and capture of Footage will be appropriately trained and informed of their responsibility to act in an ethical and lawful manner in respect of the CCTV Monitoring Systems and any recorded Footage in accordance with

this Policy and any other relevant legislation.

- (d) In the event BRC becomes aware of any inappropriate or unlawful use of the CCTV Monitoring System or Footage, BRC will take appropriate measures to minimise any potential damage and eliminate (to the fullest extent possible) the risk of reoccurrence, including taking disciplinary action as appropriate.
- (e) Any inappropriate or unlawful use of the CCTV Monitoring System or Footage by any employee of BRC will be considered a breach of BRC's Code of Conduct and dealt with appropriately.

3.4 Livestream of Video Feed

Some CCTV systems have a capability to provide live footage of Premises. This functionality will only be used as outlined in this Policy.

4 Use and Disclosure of CCTV Footage

4.1 Rights to Privacy

- (a) BRC will uphold the rights to privacy of all employees, contractors, customers and other visitors to a Monitored Area at all times and will ensure that any use of CCTV cameras and Footage complies with this CCTV Policy and any applicable Australian Privacy Principles and regulations.
- (b) BRC will formally advise all employees that CCTV is used at its Premises and that employees may at times be captured in Footage as a result of their work.
- (c) No copies of Footage will be created for entertainment, personal, or commercial use.
- (d) Recording and viewing of Footage will be conducted for Authorised Purposes only.

4.2 Disclosure of Footage

- (a) BRC will keep Footage available for inspection and viewing by an Authorised Officer until permitted or required to dispose of the Footage in accordance with this Policy.
- (b) BRC will not disclose or use Footage unless the disclosure or use is:
 - (i) if the Footage is of an employee:
 - (A) for a legitimate purpose related to the employment of its employees; or
 - (B) for legitimate business activities or functions; or
 - (C) to provide evidence in criminal and regulatory investigations, such as by ICAC.
 - (ii) requested by a law enforcement agency in connection with the detection, investigation or prosecution of an offence;
 - (iii) related to the commencement of, or existing, civil or criminal proceedings;
 - (iv) reasonably believed to be necessary to avert an imminent threat of serious violence;

- (v) for another legally permitted or required purpose,
- (vi) to provide intelligence for local emergency situations when an Emergency Operations Centre is established.

4.3 Footage and Data Security

- (a) To ensure the security of any Footage captured by the CCTV Monitoring System at the Premises, BRC will take all reasonable steps to ensure:
 - (i) the CCTV Monitoring System remains in full working order at all times by regularly inspecting and servicing the system (as may be required);
 - (ii) the CCTV Monitoring System and Footage can only be accessed by Authorised Personnel;
 - (iii) footage captured by the CCTV Monitoring System is stored in a fully secure method;
 - (iv) access to the CCTV Monitoring System and Footage is restricted in accordance with appropriate security measures (including restricted personnel access, encryptions and/or password protection, as applicable);
 - (v) all Authorised Personnel are properly trained on the appropriate use of the CCTV Monitoring System at the Premises; and
 - (vi) Footage identifying one or more individuals will not be shared with other individuals or organisations outside of Council's Authorised Personnel (excluding disclosure to law enforcement agencies, other relevant local authorities or as required by law).
- (b) Appropriate security measures and audit trails will be established against unauthorised access, alteration, disclosure, accidental loss or inadvertent destruction of recorded material. Access to the CCTV system is maintained in the log.
- (c) Recorded material will be managed according to the procedures set out in this CCTV Policy to ensure security and continuity of evidence.

4.4 Confidentiality

BRC will implement reasonable procedures to ensure that:

- (a) all Authorised Personnel with access to the CCTV Monitoring System and/or Footage will keep confidential any and all information obtained through the CCTV Monitoring System;
- (b) Authorised Personnel will not be permitted to copy, discuss, provide or otherwise disclose information or Footage concerning an incident or any other occurrence unless expressly permitted or required by law or as otherwise permitted in writing by BRC from time to time in accordance with this CCTV Policy; and
- (c) all employment contracts and other third party agreements concerning access to and/or use of the CCTV monitoring System and/or Footage incorporate appropriate confidentiality terms.

4.5 Request for Access to Footage

4.5.1 Internal Requests

Requests from within BRC for disclosure of Footage should be made in the first

instance to the Manager Corporate Governance who will then determine whether to progress any requests to the relevant Director for discussion, and approval by the General Manager.

Where the CCTV System is managed by a third party, the requesting department is responsible for the costs associated with the retrieval of the footage.

4.5.2 Requests – Waste Management Centre

Requests from customers relating to the validity of their Waste Management Charges may be provided with a copy of the transaction report and the associated still images. This request may be completed in accordance with Council's delegation manual. Footage requests will be managed in accordance with "External Requests" as outlined in this Policy.

4.5.3 Supporting evidence

A request for Footage must be accompanied by:

- (a) appropriate justification for why the Footage is required; and
- (b) where applicable:
 - (i) a detailed explanation of its connection to any open and authorised line of enquiry; and
 - (ii) the relevant authority under which the request is being carried out.

4.5.4 Actioning of requests

Requests will be considered in accordance with this Policy and will be actioned within ten (10) business days of receipt (unless exceptional circumstances apply).

Access to any footage will be dependent upon agreed procedures within BRC, and consistency with legislative and regulatory requirements on matters such as privacy and surveillance. Use of footage without the required approval may constitute a serious offence and may be dealt with under BRC's Code of Conduct, or via NSW Police where the unapproved use may constitute criminal action.

Council will take reasonable steps where it is determined that the footage may be deleted, to protect it from deletion.

4.5.5 External Requests

Where NSW Police is requesting Footage for investigation purposes, the same process used for provision of CBD CCTV footage will apply. Other external parties requesting footage will be required to submit a GIPA application.

The Manager Corporate Governance will determine how any external request is to be managed.

5 Signage and Notice

5.1 Appropriate signage will be displayed alerting employees, customers and other visitors to the BRC facilities that CCTV cameras are in operation (**Signage**).

5.2 Signage will be:

- (a) clearly visible and displayed in a way as to make patrons aware of the CCTV monitoring;
- (b) displayed at all entrance/access points to the facility; and
- (c) mounted in a prominent location.

- 5.3** Employees at the facility will be informed of the installation of CCTV Monitoring Systems upon commencement of employment with BRC to ensure each employee is aware:
- (a) they are being recorded and monitored whilst working at the facility; and
 - (b) the Footage captured by the CCTV Monitoring System may be used for purposes pertaining to their employment as set out in this Policy.
- 5.4** The use of CCTV at BRC facilities will comply with:
- (a) this CCTV Policy;
 - (b) the *Surveillance Devices Act 2007* (NSW);
 - (c) the *Surveillance Devices Regulation 2022* (NSW);
 - (d) the *Workplace Surveillance Act 2005* (NSW);
 - (e) the *Privacy Act 1988* (Cth);
 - (f) the *Privacy and Personal Information Protection Act 1998* (NSW);
 - (g) the Australian Privacy Principles; and
 - (h) any other relevant State and Federal laws and guidelines.

6 Complaints & Enquiries

- 6.1** Persons with complaints or enquiries regarding the purpose, collection or use, or other aspects of CCTV Monitoring System should be directed to the Manager Corporate Governance.
- 6.2** Complaints received in relation to personal information collected through the operation of CCTV Systems at a BRC facility will be considered and addressed by the BRC Privacy Officer (Manager Corporate Governance) in accordance with the *Privacy Act 1988* (Cth).

7 Definitions

The following definitions apply in this Policy, unless context provides otherwise:

Australian Privacy Acts and Regulations means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW) and any other privacy laws or regulations pertaining to the State of New South Wales as amended from time to time.

Australian Privacy Principles means the privacy protection framework encompassing the underlying rules and doctrines applicable in Australia in respect of the collection, use, disclosure and other handling of personal information and incorporates the Australian Privacy Acts and Regulations.

Australian Standards means Australian Standard 4806-2006: Closed Circuit Television (CCTV) – Management and Operation.

Authorised Personnel means any delegated employee or other staff members of Council, or a designated service provider engaged by BRC, with responsibility for managing access to and review of CCTV Monitoring Systems and Footage.

Authorised Purpose means a purpose set out in this Policy or for another purpose legally made in accordance with the needs of an Authorised Officer or as otherwise provided for by law.

Authorised Officer means an officer or representative of a New South Wales or Federal law enforcement agency or other relevant local government or other agency, including an authority or other agency that is authorised by the New South Wales Liquor and Gaming Director to deal with the operation of CCTV System in New South Wales.

CCTV or Closed Circuit Television means a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system.

CCTV Monitoring System means all aspects of CCTV surveillance and management at or in connection with BRC's Premises, including the recording and maintenance of, and access to, Footage.

Footage means CCTV images captured and recorded by the CCTV Monitoring System at BRC's Premises.

Mobile CCTV means a trailer-mounted or similar CCTV system that is designed to be temporary or mobile.

Premises means a building, land or facility owned or managed by of Bathurst Regional Council.

Privacy Officer means the person or department employed or contracted by BRC at any given time responsible for handling enquiries and complaints regarding the purpose, collection, use, access to or other aspects of the CCTV Monitoring Systems and Footage.

Private Place means any place where a person would have a reasonable expectation of privacy in which to conduct their personal affairs free from any surveillance, such as bathrooms or changing room facilities.