



CCTV Policy

Number: Admin 18.
Responsible Manager: Chief Executive Officer
Head Policy: N/A
Legislation: Local Government Act 2009
Information Privacy Act 2009
Local Government Regulation 2012
Public Records Act 2002

Associated Policies: General Retention and Disposal Schedule
Council's Complaint Managements Policy
Council's Privacy Policy
Information Privacy Principles

Purpose and Scope

1. Kowanyama Aboriginal Shire Council ("Council") owns closed circuit television ("CCTV") facilities in its local government area, in order to collect CCTV footage for the security of Council assets.

Purpose of Policy

2. This Policy:
 - (a) sets out the lawful purposes for which CCTV facilities may be installed and CCTV footage collected;
 - (b) sets out how CCTV facilities and footage may be accessed;
 - (c) summarises the ways in which CCTV footage may be collected, used, disclosed, stored and disposed of; and
 - (d) summarises the process for resolving complaints about the installation and use of Council's CCTV systems.



Scope of Policy

3. This Policy applies to all Council employees.

Lawful purposes

4. Under the *Local Government Act 2009* (“**LGA**”), Council has a broad power to do anything it considers necessary for the good rule and government of its local government area.
5. Where CCTV footage may contain personal information, Council must collect that footage for a lawful purpose in compliance with the *Information Privacy Act 2009* (“**IP Act**”) and the Information Privacy Principles (“**IPPs**”), which are contained in the IP Act.
6. The lawful purposes for which Council may collect CCTV footage include:
 - (a) to monitor and assist in the enforcement of Council’s local laws and other legislation in respect of which Council has jurisdiction;
 - (b) to assist law enforcement agencies such as the Queensland Police Service in obtaining evidence and prosecuting offences;
 - (c) to enhance the safety and security of Council staff, the community generally and Council assets;
 - (d) to identify potential breaches by Council staff of their employment contracts, Council’s local laws or other legislation, and to gather evidence in respect of those breaches.
7. Council will not collect CCTV footage for unlawful or unfair purposes. Examples of unlawful or unfair purposes may include:
 - (a) where the collection is not for a lawful purpose, including the use of audio recordings;
 - (b) where the collection unduly infringes on an individual’s right to privacy, and is in contravention of the IP Act;



- (c) where the CCTV installation monitors private property, without the permission of the occupier of that property.
- 8. Council will, where practicable and appropriate, install signs within the vicinity of a CCTV installation to disclose the existence of the installation.
- 9. Council will ensure that any installation of CCTV facilities in its local government area is for a lawful purpose.

Access to CCTV installations and footage

- 10. Only the following entities are authorised to access Council's CCTV installations and CCTV footage:
 - (a) an Authorised Person of Council, who may be one of the following:
 - i) the Chief Executive Officer; or
 - ii) a person authorised in writing by the Chief Executive Officer.
 - (b) a person or entity that is authorised by an Authorised Person. This may include a contractor engaged to operate and manage the CCTV facilities;
 - (c) another person or entity authorised to access the information under the IP Act and the IPPs, for example a law enforcement agency such as the Queensland Police Service.
- 11. Access to CCTV installations and to CCTV footage will only be permitted by Council if that access is lawful under the IP Act and the IPPs.

Disposal of CCTV footage

- 12. CCTV footage obtained by Council is a "public record" under the *Public Records Act 2002* ("PRA").
- 13. Council, as a public authority under the PRA, must ensure that the CCTV footage is kept in accordance with the PRA.



14. The General Retention and Disposal Schedule (“**GRDS**”) prepared by Queensland State Archives under the PRA specifies the relevant timeframes for keeping public records before they can be lawfully destroyed.
15. Council will retain CCTV footage for at least as long as the time specified by the GRDS. After that time has elapsed, Council will dispose of the CCTV footage in accordance with the PRA in its discretion.

Dealing with complaints about CCTV systems

16. In the first instance, the Chief Executive Officer will deal with complaints about Council’s CCTV systems, including any complaints about unauthorised disclosures in accordance with Council’s Complaint Managements Policy.
17. Council’s Chief Executive Officer may delegate authority to deal with complaints to another officer of Council, or may refer the complaint to an appropriate third party organisation (for example, the Office of the Information Commissioner).

PROCEDURE

18. This Policy has been prepared by reference to, and should be read along with:
 - (a) Council’s Code of Conduct;
 - (b) Council’s Complaints Management Policy;
 - (c) Council’s Privacy Policy;
 - (d) the *Local Government Act 2009* and *Local Government Regulation 2012*;
 - (e) the *Information Privacy Act 2009* and the Information Privacy Principles.

BREACHES

Breaches of this policy should be reported to the Executive Manager Governance and Operations, or in the case of a breach by the Executive Manager Governance and Operations, to the Chief Executive Officer or the Mayor.

In the case of breaches by a Councillor, Mayor or Deputy Mayor, breaches should be reported to the Chief Executive Officer.

Confirmed breaches will be dealt with in accordance with council’s Unsatisfactory Performance Policy.



AUTHORISATION

This page and the previous bearing my initials were duly authorised by Council as Kowanyama Aboriginal Shire Council CCTV Policy on 20 February 2019 and shall hereby supersede any previous policies of the same intent.