

### Purpose

The purpose of this policy is to guide the application and operation of Council's Closed-Circuit Television (CCTV) system and the collection and management of associated personal information.

Council strives to provide a safe and secure environment for residents, visitors, and employees. To achieve this, Council has installed several 'CCTV' for security, public safety, and crime prevention. To achieve this, Council has carefully and strategically selected locations within the Council local government area in which to place its CCTV cameras so that they can achieve the purposes identified with the least amount of intrusion.

Council also understands that there are competing needs between the need for security and public safety and the right to privacy. This policy will seek to outline how information and images from CCTV will be collected, stored, retained, disclosed, and disposed of.

The purpose of the CCTV Program is to:

- Identify, manage, deter and/or reduce anti-social criminal or unlawful behaviour.
- Provide Police and law enforcement agencies with appropriate evidence and information to both prosecute criminal offences and to reduce and manage unlawful behaviour, both having had occurred or that might occur.
- Contribute to an integrated multi agency approach to crime prevention and community safety.
- Contribute to an increased feeling of community safety and security.
- Protect Council assets.
- Provide monitoring to and reaction by Emergency Service Providers during extreme weather events; and
- Enhance future community safety through the analysis of trends and patterns of unlawful behaviour, behaviour disadvantageous to community safety and environmental or other impacts on community safety.
- Outline the efficient, economical, and ethical use of CCTV devices and data by Council.
- This policy can/will be reviewed in accordance with changes in the IPA, changes in legislation regarding the securing of data and data loss reporting requirements.

### Scope

This policy is applicable to Council controlled CCTV, whether fixed or mobile within the Council local government area.

### Policy Statement

#### Personal Information and Collection

1. Under the IPA, personal information is any information or opinion, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.
2. When the CCTV cameras record an image, they are recording personal information. Pursuant to the IPA, Council as a government body must ensure that it complies with the Information Privacy Principles (IPP). In accordance with IPP 1-3, Council will only collect information where it is for a lawful purpose, and it is relevant to the purpose of collection. Council will advise the public both on its website and on collection notices attached to the CCTV cameras, why it is collecting information and to whom it intends to provide the information to.
3. Members of the public can access information about why information is being collected and who it is intended to disclose it to, through the placement of collection notices at the CCTV site. Each CCTV site has been selected based on criteria that ensure collection of information is not unnecessarily intrusive and will best achieve the purpose of the collection.
4. The collection of any personal information will be undertaken by authorised personnel. These personnel will be engaged in monitoring the CCTV footage, and where required, accessing and downloading personal information (i.e., video images). The monitoring of CCTV footage is undertaken by authorised persons in a secure environment. Monitoring, accessing, and downloading information is secured with full audit log recording details of the identity of the person, the time and date which the information was accessed. Further the CCTV system is protected with appropriate technology to prevent corruption or unauthorised access.
5. Council will make best endeavours to ensure the accuracy of the personal information with accurate meta data, recorded with the footage (AEST with the date/time stamps accurate to within 1 minute of network time protocol).

#### Management of Personal Information

6. The Director of Corporate Services is responsible for the CCTV system. This includes the maintenance and operation of the CCTV system, compliance with this Policy and compliance with relevant legislation. This also includes the management of the people and software involved in the collection, storage, retention, disclosure, and disposal of information. The Director of Corporate Service will take steps to ensure that all authorised persons dealing with personal information are trained or otherwise informed of their obligations under the relevant legislation.

### Storage of Personal Information

7. IPP4 requires Council to protect any personal information against: loss; unauthorised access, use, modification, or disclosure; and any other misuse.
8. The information collected by the CCTV system is stored digitally as per IPP4 standards and is stored as confidential. Any footage or information that is released will be stored in Council's Records Management system under a specified subject file path. Such file path will be confidential and will only be accessible by authorised persons in Council's record management section.

### Retention of Personal Information

9. All CCTV recordings, whether they contain personal information or not, will be retained by Council for a minimum of 30 days.
10. Any recordings or images downloaded from the CCTV system for disclosure will be retained for a minimum of seven (7) years.

### Disposal of Personal Information

11. Any CCTV recordings that have not been downloaded and are subject to the 30 days retention, will be automatically overwritten and the information will be consequently disposed.
12. Any recordings of images downloaded from the CCTV system and subsequently retained in Council's record management system, will be disposed of in accordance with Information Standard 40 – retention and disposal of public records.

### Disclosure of Personal Information

13. Council will only disclose personal information in accordance with the purpose for which it was obtained.
14. Council may disclose personal information in the following circumstances:
  - a) To the Queensland Police Service for law enforcement services.
  - b) Where required to or compelled by law.
  - c) Under an Information Privacy Act request.
  - d) Under a Right to Information request. Where a Right to Information request has been made, any personal information, that is not the personal information of the person making the Right to Information Act request, will be redacted, or removed; and
  - e) In case of emergency or serious threat to the life, health, safety, or welfare of an individual or to the public, Council may provide CCTV footage which may include personal information to agencies other than the Queensland Police Services. Such agencies however will be limited to those agencies responding to or assisting with disaster management, such as the Queensland Fire and Rescue Service or State Emergency Services.
15. Any authorised personnel requiring access to recover (whether that is to capture, copy or download) CCTV recordings will be required to obtain written approval from the Director of Corporate Services of the Council. To grant approval, the Director of Corporate Services must be satisfied that the

appropriate documentation has been completed, that the request falls within the policy and that the disclosure or dealing will not be contrary to the IPA.

16. A record will be kept of any disclosure that is made, including a copy of the document requesting disclosure and the disclosed images or recordings. Such record will be securely and confidentially stored within Council's Records Management system.

### Accessing Personal Information

17. IPP5 requires Council to take all reasonable steps to ensure that a person can find out whether the Council has documents containing personal information, the types of information contained in the documents and what the person should do to obtain access. IPP6 provides that the Council must give access to personal information unless the Council is authorised not to. The CCTV system is designed to achieve the purposes outlined in the Background and Principles. In fulfilling this purpose, the camera may also collect personal information.
18. Any person has the right to make a request for information under the IPA, if the information requested contains only personal information of the person making the request. If you wish to make a request for information under IPA, you can make the appropriate application to Council's Right to Information Decision Maker. If the information does not exclusively contain the personal information of the person requesting the information, that person may make an application for disclosure under the RTI Act.

### Complaints

19. Complaints should be directed in writing to Council, Attention Director of Corporate Services. Council will manage any complaints in accordance with its policies and procedures. Further, any person may make a privacy complaint to the Office of the Information Commissioner.

## Applicable Legislation

This policy is in reference to the Information Privacy Act 2009 'the IPA', the Public Records Act 2002 'the PRA' and the Right to Information Act 2009 'the RTI Act'; and

- Australian Standard 4806.1 - Closed Circuit Television (CCTV) Management and Operation – Code of Practice
- Australian Standard 4806.2 - Closed Circuit Television (CCTV) Application Guidelines
- Information Standards IS40 - Recordkeeping

## Definitions

**Closed circuit television (CCTV)** refers to the use of closed-circuit television cameras to capture and transmit a signal to a specific place using a limited number of monitors. These monitors may be fixed or may be mobile.

**Council** refers to the Whitsunday Regional Council

**Councillor** – refers to an elected member of Council

**Emergency Service Providers** refers to the Queensland Police Service, Queensland Fire and Rescue Service, Queensland Ambulance Service and the State Emergency Service.

**Employee** refers to all council employees, contractors, volunteers, temporary, and casual workers.

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**Right to Information Decision Maker** refers to the Council officer trained and authorised to approve and release information to the public under the Right to Information Act and the Information Privacy Act.

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## Related Documents

ICT Facility Users Policy

ICT Security System Management Administration Guideline

Information Security Policy

Information Management Policy

WRC Data Breach Response Plan

## Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	23 March 2022	Council Resolution	2022/03/23.3
Effective Date	23 March 2022	Next Review Date	23 March 2025
Responsible Officer(s)	Manager Innovation and Technology	Revokes	LSP_CORP_04