



Ku-ring-gai Council

Overt Electronic Surveillance in Public Places Policy

Version Number 2

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Overt Electronic Surveillance in Public Places Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	<p>Privacy and Personal Information Protection Act 1998 (PPIP Act)</p> <p>Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013</p> <p>Direction on Processing of Personal Information by Public Sector Agencies in relation to their Investigative Functions, 23 December 2013</p> <p>Local Government Act 1993</p> <p>Surveillance Devices Act 2007</p> <p>NSW Government Policy Statement and Guidelines for the Establishment of Implementation of Closed-Circuit Television in Public Places 2014</p>	
Related Policies (Council & Internal)	<p>Overt Surveillance in Public Places: Code of Practice (2018)</p> <p>Standard Operating Procedure (2014)</p> <p>Workplace Surveillance Policy (2007)</p> <p>Draft Graffiti Policy (2014)</p> <p>Complaints Management Policy (2001)</p> <p>Privacy Management Plan (2013)</p> <p>Compliance Policy (2019)</p>	Contains aims, objectives and basic standards under which the CCTV project will operate.

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Version History

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1	25/11/2014	24/05/2022	Colin Wright	First Version
2	25/05/2022	TBC	Louise Drum	Second Version

Policy

Purpose and Objectives

The purpose of this Policy is to allow Council to conduct camera surveillance operations using Closed Circuit Television (CCTV).

The Objectives of the Policy are to:

- Reduce instances of crime and illegal activity by deterring potential offenders;
- Increase the perception of public safety;
- Ensure Council complies with the requirements of all relevant policies and legislation relating to the public collection of CCTV data or footage;
- Ensure that CCTV is operated with due regard to the privacy and civil liberties of all persons; and
- Provide for the availability of information about CCTV camera surveillance operations.

Policy Statement

The Ku-ring-gai local government area consistently ranks low in the annual NSW Bureau of Crime Statistics & Research rankings, when compared with other Sydney LGAs. Within this context Council recognises that the threat of crime may still be an important factor impacting on people's actual and perceived safety of certain areas in the Ku-ring-gai LGA.

In most situations, Council will manage perceptions of public safety and illegal activity by utilising Crime Prevention through Environmental Design (CPTED) principles (refer Appendix 1). In some instances, however, where CPTED principles have been applied but do not achieve the desired outcome, the installation of CCTV, either on a temporary or permanent basis, may be considered in accordance with the objectives and stated principles of this Policy.

Scope

To increase the role of CCTV in terms of reducing the 'fear of crime' and 'increase perceptions of safety' in the public domain.

To inform the community, if and when, overt camera surveillance is being carried out in relation to any operation of CCTV to act as a deterrent to individuals or companies from causing the illegal dumping, littering, vandalism or graffiti offences.

This Policy applies to CCTV owned and operated by Council, or CCTV operated by a third-party, on behalf of Council, within the Ku-ring-gai LGA.

Council reserves the right to remove CCTV, or to relocate CCTV, based on results of an evaluation and review. Installation of CCTV may be considered in locations owned or managed by Council, however installation will usually not be considered in respect of properties owned or managed by Council that are occupied under a lease to another party. In the latter case the lessee would be responsible for electronic surveillance if required.

Signage

Council may inform the community via appropriate signage, of overt surveillance being undertaken by means of CCTV.

In deciding the design and location of signs, Council may have regard to *Australian Standard – Development, testing and implementation of information and safety symbols and symbolic signs – AS 2342 – 1992*.

The information provided on the sign should comply with section 10 of the *Privacy and Personal Information Protection Act 1998* and include the following:

- Contact details for the ownership of the scheme;
- Purpose of the scheme; and
- Hours of operation (e.g. when the area is monitored – continuous or random).

Access to Information

Information contained in CCTV footage recorded by Council under this Policy is collected for law enforcement purposes and shall only be disclosed to persons or entities where there is a legitimate overriding public interest in disclosure.

CCTV footage will often contain information that is personal information and Council may require that in giving access to the information, it is a condition of disclosure that such footage is only used for law enforcement purposes.

Record Keeping

Recorded material will be retained for a 28-day period unless required in relation to the investigation of crime or for court proceedings. Records supplied as evidence in accordance with this policy will be retained for a longer period as required by the *State Records Act 1998* and relevant Council record keeping policies and procedures.

Supporting Documentation

This policy will be supported from time to time by relevant operational guidelines, including:

- *'Ku-ring-gai Council Overt Surveillance in Public Places Code of Practice'*; and
- *'Standard Operating Procedures'*.

These guidelines will be updated and maintained with reference to the *NSW Government Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places* and any future publications of a similar nature.

Limitations

Council's CCTV will only be used to obtain information about crime activity occurring within the area covered by this Policy and will not be used for general intelligence gathering.

Policy Review

This policy is subject to review every 4 years or such other period considered appropriate having regard to:

- any change to relevant legislation, or directives, or guidelines issued by agencies, including the NSW Ombudsman and the Division of Local Government;
- Ku-ring-gai Council's related guidelines and procedures; and
- Any identified need to align this policy with recognised best practice.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this Policy.

Responsibilities

This Policy applies to the following sections of Council:

- Operations Department;
- Development and Regulation (Compliance);
- Governance; and
- IT.

Council's Manager Technical Services has overall responsibility for compliance with this Policy.

Associated Documents

- *Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013*
- *Privacy and Personal Information Protection Act 1998 (PPIP Act)*
- *Direction on Processing of Personal Information by Public Sector Agencies in relation to their Investigative Functions, 23 December 2013*
- *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places*
- *Local Government Act (1993)*
- *Surveillance Devices Act (2007)*
- *Draft Graffiti Policy (2014)*
- *Workplace Surveillance Policy 2007*
- *Compliance Policy 2019*
- *Complaints Management Policy (2001)*
- *Privacy Management Plan (2013)*

Definitions

Term / Abbreviation	Definition
Public Place	Defined from the Local Government Act 1993 and refers to public reserves, public bathing reserves, public baths or swimming pools, public roads, public bridges, public wharfs or public road-ferries with the addition of public transport and car parks.
Camera surveillance	Surveillance by means of a camera that monitors or records visual images of activities in a public place.
Closed-Circuit Television (CCTV)	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. The transmission of closed-circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems. A hand-held or fixed video cassette recorder is not included in this definition unless it is connected to a transmission system.
Illegal Dumping	Depositing of any waste other than litter, upon public or private land or waters where no consent has been obtained from the Council or the granting of an environment protection licence from the Environment Protection Authority.
Littering	Unlawfully depositing of waste materials in a public place.
Vandalism	Wilful destruction of public property including buildings, signage, and street furniture.
Graffiti	Application of paint or other material used to create images, writing, or changes to the colour of building surfaces or other public hard surface areas not authorised by the Council or any other jurisdiction. Graffiti also includes etchings.
Lawful investigation	An investigation carried out by an agency under specific legislative authority or where the power to conduct the investigation is necessarily implied or reasonable contemplated under an Act or other law.

APPENDIX 1 -

Principles of Crime Prevention through Environmental Design (CPTED)

The design of buildings and public spaces has an impact on people's perceptions of safety and security, as well as actual opportunities for crime. When development is appropriately designed, it can reduce the likelihood of crimes being committed. Council will design to meet CPTED principles wherever possible, however in some cases it is acknowledged that CCTV may be required to increase the perception of public safety.

There are four main principles of CPTED – natural surveillance, access control, territorial reinforcement and space management. Incorporating these four principles of CPTED can help to create a safe and secure environment that encourages activity, vitality and viability, enabling a greater level of security. They can also assist in minimising the incidence of crime and contribute to perceptions of increased public safety. There are strong overlaps and synergies among the four CPTED principles.

Principle 1 - Natural Surveillance

Providing opportunities for effective surveillance, both natural and technical, can reduce the attractiveness of crime targets. Placing of legitimate 'eyes on the street' increases the perceived risk to offenders.

Principle 2 - Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people, and in turn, minimise opportunities for crime.

Principle 3 - Territorial Reinforcement

This principle relies on the users of spaces feeling that they have some ownership of public space and therefore are more likely to gather and enjoy that space. The ownership of space increases the likelihood that people who witness crime in or adjacent to that space will respond by quickly reporting it or by attempting to prevent it.

Principle 4 - Space Management

Public space that is attractive and well maintained is inviting to users and becomes a well utilised space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for.

The four CPTED principles can be translated into various planning and design strategies that would enhance security. These strategies can be categorised as follows:

1. allow for clear sight lines;
2. provide adequate lighting;
3. minimise concealed and isolated routes;
4. avoid entrapment;
5. reduce isolation;
6. promote land use mix;
7. use of activity generators;

8. create a sense of ownership through maintenance and management;
9. provide signs and information; and
10. improve overall design of the built environment.

Source – *Penrith City Council DCP 2014* and *CPTED Guidebook*, National Crime Prevention Council Singapore.