

Code of Practice CCTV – Nowra CBD

**The Council of the City of Shoalhaven
Council Administrative Centre
Bridge Road
NOWRA, NSW 2541**

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TABLE OF CONTENTS

1.	Introduction	Page 2
2.	CCTV Project	Page 5
3.	Purpose of the CCTV Project	Page 8
4.	Responsibilities of Council	Page 9
5.	Responsibilities of Police	Page 10
6.	Monitoring, Evaluation & Audit	Page 11
7.	Image Recording Point & Monitoring Point	Page 13
8.	Access to & Use of Recorded Material by Council & Police	Page 15
9.	Storage of Information	Page 16
10.	Access to Personal Information	Page 17
11.	Breaches of the Code	Page 18
12.	Changes to the CCTV Project and/or Code	Page 19

1. INTRODUCTION

1.1 Introduction

1.1.1 The Code contains the basic standards under which the CCTV Project will be operated.

1.2 Key Principles

1.2.1 The Code is based on 10 key principles.

1.2.2 In each section of the Code the relevant key principle will be stated.

1.2.3 The key principles are:

Principle 1

The CCTV Project will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code.

Principle 2

The CCTV Project will not limit the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

Principle 3

Council has primary responsibility for the maintenance, management and security of the CCTV Project, and the protection of the interests of the public in relation to the CCTV Project.

Principle 4

The Police are a partner to the CCTV Project and agree to act in accordance with the Code.

Principle 5

The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Project.

Principle 6

Regular review and evaluation of the CCTV Project will be undertaken to identify whether the purposes and objectives of the CCTV Project are being achieved.

Principle 7

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV Project.

Principle 8

Recorded Material will be retained for 30 days unless it is required for law enforcement purposes or other lawful requirements.

Principle 9

Access to Recorded Material will only be provided in accordance with the purposes provided by this Code.

Principle 10

All contact between the Council and the Police in relation to the CCTV Project will be conducted strictly in accordance with the Code.

1.3 Glossary of Terms

1.3.1 For ease of reference, a glossary of terms used in the Code is provided below:

TERM	DEFINITION
CCTV	Closed Circuit Television
CCTV Project	The Council’s CCTV system operating in the Nowra CBD
Code	This Code of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOPs as Appendix 2
Council	Shoalhaven City Council
Image Recording Equipment	The PC that records and stores all footage recorded by the CCTV camera
Image Recording Point	That area of the Nowra Police Station where the Image Recording Equipment is located and secured.

Monitoring Equipment	The monitor and PC that live footage and Recorded Material may be viewed from
Monitoring Point	That area of the Nowra Police Station where the Monitoring Equipment is located.
MOU	The Memorandum of Understanding entered into between Council and the Police in accordance with the Code
Nowra CBD	That area of the CBD that will be monitored by CCTV cameras as identified in Section 2.5 of the Code
Plan	The Crime Prevention Plan
Police	The NSW Police Force
Privacy Notification	The Privacy Notification attached to the Code as Attachment 2
Recorded Material	The footage recorded by the CCTV cameras.
SOPs	The Standard Operating Procedures attached to the Code as Attachment 1

2. CCTV PROJECT

2.1 Introduction

- 2.1.1 The CCTV Project is identified in the Plan as one of a number of strategies designed to assist in reducing crimes against persons or property in the Nowra CBD.
- 2.1.2 Council will also be implementing other strategies in the Plan.

2.2 Code

- 2.2.1 The Code will be supplemented by a set of SOPs which give instructions on all aspects of the operation of the CCTV Project.
- 2.2.2 The SOPs are based on the Code to ensure the principles and purposes of the CCTV Project are met.
- 2.2.2 The only organisations and individuals who will have involvement in the CCTV Project are those who are willing to comply with the Code and SOPs.
- 2.2.3 The Code is subject to state and federal law.

2.3 System Description

- 2.3.1 The CCTV Project incorporates 18 cameras connected to the Nowra Police Station by a wireless network.
- 2.3.2 Pictures from all cameras are transmitted to a live observation screen at the Monitoring Point which is able to be monitored by the Police.
- 2.3.3 The Monitoring Equipment also provides Police with the ability to review Recorded Material.

2.4 Camera Design

- 2.4.1 As a minimum all cameras should have 1.3 megapixel colour resolution sensors with digital zoom capability.
- 2.4.2 The technology will be regularly reviewed to ensure the most up to date equipment appropriate to the purposes of the CCTV Project is used.

2.5 Camera Locations & Operation

- 2.5.1 Cameras are installed in some areas of the Nowra CBD subject to a high incidence of crimes against persons or property. These locations have been determined on the basis of crime statistics provided by the Police. Environmental considerations have also taken into account.
- 2.5.2 Most cameras have been installed on buildings, awnings or stand-alone poles.

2.5.3 A total of 18 cameras have been installed as follows:

- (i) **Camera 1:** 77 Junction Street, Nowra;
- (ii) **Cameras 2-3:** 79-81 Junction Street, Nowra;
- (iii) **Camera 4:** 98-100 Junction Street, Nowra;
- (iv) **Camera 5:** 102 Junction Street, Nowra;
- (v) **Camera 6:** 115 Junction Street, Nowra;
- (vi) **Camera 7:** 123 Junction Street, Nowra;
- (vii) **Camera 8:** 125 Junction Street, Nowra;
- (viii) **Cameras 9-10:** 132 Junction Street, Nowra;
- (ix) **Cameras 11-12:** 138 Junction Street, Nowra;
- (x) **Camera 13:** 139 Junction Street, Nowra;
- (xi) **Cameras 14-15:** 27 Kinghorne Street, Nowra; and
- (xii) **Cameras 16-18:** 56 Kinghorne Street, Nowra.

2.5.4 The cameras will operate on a 24 hour basis.

2.5.5 A map showing the location of the camera's described above is attached as **Attachment 3**.

2.5.6 The location of cameras will be reviewed as required and in consultation with the Police and other stakeholders.

2.6 Ownership

2.6.1 The Council is the owner of the CCTV Project.

2.6.2 The Council retains ownership of and has copyright in all documentation and other material pertaining to the CCTV Project.

2.6.3 The responsibilities of the Council in relation to the CCTV Project are outlined in Section 4.

2.7 Partners in the CCTV Project

2.7.1 The Police are a partner in the CCTV Project.

2.7.2 The responsibilities of the Police in relation to the CCTV Project are outlined in Section 5.

2.8 Information about the Operation of the CCTV Project

2.8.1 Clear and visible signage stating that CCTV cameras are operating will be displayed at the perimeter and of the Nowra CBD and near every camera. These signs will:

- i) allow people entering the area to make a reasonable approximation of the area covered by the system;
- ii) inform the public that cameras are recording 24 hours per day;
- iii) describe the purpose for which information is being collected (crime prevention);
- iv) intended recipients of the information (NSW Police Force for investigation)
- v) inform the operation of the system is subject to the provisions of the Privacy & Personal Protection Act 1998
- vi) identify Council as the owner of the system, provide web page details, telephone number and address should further information, inquiries, access or complaint be required.

2.8.2 Copies of the Code will be made available to the public. The availability of the Code will be publicised in connection with any publicity arranged for the CCTV Project.

2.8.3 A copy of the Privacy Notification will be made available to the public. The availability of the Privacy Notification will be publicised in connection with any publicity arranged for the CCTV Project.

2.8.4 Inquiries in relation to the CCTV Project and its operation can be made in writing to:

The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

or, by telephone on (02) 4429 3111.

2.8.5 Council will also establish a dedicated CCTV webpage on Council's website where information about the CCTV Project will be made available.

3. PURPOSE OF THE CCTV PROJECT

3.1 Primary Purpose

3.1.1 The primary purpose of the CCTV Project is to assist in the prevention of crimes against the person, particularly the following:

- i) assault related offences;
- ii) robbery/steal from person;

3.2 Secondary Purpose

3.2.1 The secondary purpose of the CCTV Project is to assist in the prevention of other serious criminal offences, particularly the following:

- i) steal motor vehicle;
- ii) steal from motor vehicle;
- iii) other stealing offences;
- iv) break and enter;
- v) malicious damage to property;
- vi) dealing, trafficking in drugs.

3.3 Objectives

3.3.1 The objectives of the CCTV Project are:

- i) to reduce crime levels by deterring potential offenders;
- ii) to reduce fear of crime;
- iii) to assist police in responding in emergency situations;
- iv) to assist in the detection and prosecution of offenders; and
- v) to help secure a safer environment for those people who live in, work in and visit the Nowra CBD.

4. RESPONSIBILITIES OF COUNCIL

4.1 Responsibilities

- 4.1.1 The Council will be responsible for the introduction and implementation of the Code and for ensuring compliance with the principles contained within the Code.
- 4.1.3 The Council will consult with and provide information to the public about the operation of the CCTV Project and about any proposed changes to the CCTV Project or Code. The Code can only be changed in accordance with Section 12.

5. RESPONSIBILITIES OF POLICE

5.1 Responsibilities

5.1.1 The Police are a partner to the CCTV Project.

5.1.2 A MOU in relation to the CCTV Project will be entered into both by Council and the Police.

5.1.3 The MOU will outline the respective roles of both parties.

5.1.4 The Police will endorse the SOPs.

5.1.5 The Police will be required to provide Council with crime statistics in relation to targeted offences identified in points 3.1.1 and 3.2.1 for the area of the Nowra CBD captured by CCTV cameras in order for the CCTV Project to be reviewed, evaluated and audited.

6. OVERSEEING, EVALUATION AND AUDIT

6.1 Overseeing the CCTV Project

- 6.1.1 In consultation with the Police, Council will oversee the operation of the CCTV Project and implementation of the Code.
- 6.1.2 Council will also maintain the equipment to ensure that the CCTV Project is operating smoothly.

6.2 Evaluation

- 6.2.1 Council is responsible for ensuring the CCTV Project is subject to a regular evaluation to identify whether its purposes are relevant and whether objectives are being achieved.
- 6.2.2 Resources committed to the system annually will include the cost of evaluation.
- 6.2.3 Council will produce an evaluation report at 6 monthly intervals. The report will be presented to the General Manager. A copy of the report will then be circulated to Councillors and made available for public inspection.
- 6.2.3 Evaluation will be conducted independently or carried out according to independently established criteria.
- 6.2.4 Evaluation of the CCTV Project will include as a minimum:
 - i) assessment of its impact upon crime;
 - ii) any views of the public on the operation of the CCTV Project;
 - iii) operation of the Code and SOPs; and
 - iv) whether the purposes for which the CCTV Project was established still exist.
- 6.2.5 The results of the evaluation will be taken into account in the future functioning, management and operation of the CCTV Project.
- 6.2.6 Any reports prepared as part of the evaluation of the CCTV Project should be sent to the Crime Prevention Division of the NSW Attorney General's Department for review.

6.3 Establishment of Review Committee

- 6.3.1 Council will establish and provide support to a Review Committee comprising individuals independent of both the Council and the Police.
- 6.3.2 Nominations of suitably qualified persons for membership of the Audit Committee will be sought from organisations and individuals with an interest in the operation of the CCTV Project.

6.4 Functions of Review Committee

6.4.1 The functions of the Review Committee will be:

- i) to provide an independent and continuous review and checking mechanism for the CCTV Project;
- ii) to identify and report on any deviations from the Code or SOPs that come to notice during the review; and
- iii) to recommend action that will safeguard the CCTV Project from abuse.

6.5 Audit of the Project

.6.5.1 Council's Internal Auditor will undertake a regular audit of the CCTV Project, its operation and Code. The audit will include examination of records kept in accordance with the SOPs, data recording histories, and the content of Recorded Material.

6.5.2 The Internal Auditor will produce a report every 12 months on the operation and functioning of the CCTV Project. The report will be presented to the General Manager and Police.

7. IMAGE RECORDING POINT & MONITORING POINT

7.1 Image Recording Point

7.1.1 Council has chosen not to establish a Control Room.

7.1.2 The following equipment is secured and located at the Image Recording Point:

- (a) Image Recording Equipment which will be located in a locked cabinet in the PABX Room.

7.2 Monitoring Point

7.2.1 The following equipment is secured and located at the Monitoring Point:

- (a) Monitoring Equipment which will be located in an area that is not accessible by the public.

7.3 Access to Image Recording Point and Monitoring Point

7.3.1 The SOPs will be endorsed by the Police.

7.3.2 The SOPs will ensure that access to the Monitoring Point is restricted to Police and authorised Council staff and contractors and that the Monitoring Point is protected from unauthorised access.

7.3.3 Access to the Image Recording Point is restricted to authorised Council staff and contractors and that the Image Recording Point is protected from unauthorised access.

7.3.4 The circumstances in which the Police and authorised Council staff are able to access the Monitoring Point will be carefully outlined in the SOPs

7.3.5 The circumstances in which the Police and authorised Council staff are able to access the Image Recording Point will be carefully outlined in the SOPs.

7.4. Control and Operation of Cameras

7.4.1 Only authorised Council staff will be able to control and operate the cameras.

7.4.2 The control and operation of the cameras will accord with the purposes of the CCTV Project as outlined in the Code.

7.4.3 Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime, which originated in the public domain. Any misuse is to be treated as a breach of the Code and subject to disciplinary action.

7.4.4 No sound will be recorded in public places.

7.4.5 'Dummy' cameras will not be used.

7.4.6 Operators of camera equipment will act in accordance with the highest standards of probity.

7.4.7 All those with access to the Monitoring Point and Image Recording Point will be made aware that the Recorded Material and access to same is the subject to routine audit and that they may be required to justify their interest in a particular member of the public or premises.

7.5 Confidentiality Agreement

7.5.1 Authorised Council staff and contractors will be required to enter into the Confidentiality Agreement before they can access the Monitoring Point and Image Recording Point.

7.5.2 Contractors will be advised in writing of their obligations in respect to compliance with the Code, NSW Privacy legislation and any other relevant law, policy or procedures.

8. ACCESS TO & USE OF RECORDED MATERIAL BY COUNCIL & POLICE

8.1 Access to and Use of Recorded Material.

8.1.1 Access to and use of Recorded Material will be facilitated by Council and will only take place:

- i) in compliance with the needs of the Police in connection with their law enforcement functions; or
- ii) if necessary for the purposes of legal proceedings; or
- iii) other lawful requirement .

The SOPs will detail the process for access to copies of Recorded Material.

8.1.2 Recorded Material will not be sold or used for commercial purposes or the provision of entertainment.

8.1.3 The display of Recorded Material to the public will only be allowed in accordance with the law enforcement functions of the Police where there is a demonstrated overriding public interest for disclosure or in any other circumstances provided by the law. A copy of the recorded material can only be released in accordance with the SOPs.

8.1.4 Where display of Recorded Material occurs under clause 8.1.3, the recognisable characteristics of other people in the footage will be obscured.

8.1.5 Images from Recorded Material will not, under any circumstances, be used to publicise the existence or success of the CCTV Project.

8.1.6 Appropriate security measures will be taken against unauthorised access, alteration, disclosure, accidental loss or destruction of Recorded Material.

8.1.7 Recorded Material will be subject to random inspection by the Audit Committee.

8.2 Contact with Recorded Material

8.2.1 Police will not be permitted to remove or obtain copies of any recorded material unless in accordance with the Code and SOPs.

8.2.2 Any change to the arrangements in section 8.2.1 will amount to a major change to the Code and must be agreed to in accordance with the Code before being implemented.

9. STORAGE OF INFORMATION

9.1 Retention of Images

9.1.1 All Recorded Material will be retained for 30 days unless it is required in relation to the investigation of crime, for court proceedings, or to meet other legal obligations.

9.1.2 All Recorded Material will be overwritten on a 30 day cycle.

10. ACCESS TO PERSONAL INFORMATION

10.1 Rights of Access to Information

10.1.1 A member of the public has the right to apply for access to personal information held by Council in the following ways:

(a) A person can apply for the information under the *Privacy and Personal Information Protection Act 1998*. A copy of an “Application for Access to Personal or Health Information” can be obtained from Council; or

(b) A person can apply for information under the *Government Information (Public Access) Act 2009*.

10.2 Removal and Alteration of Personal Information

10.2.1 A person can apply for their personal information to be altered (whether by way of corrections, deletions or additions) in accordance with the *Privacy and Personal Information Protection Act 1998*. A copy of an “Application for Alteration of Personal Information” can be obtained from Council.

10.3 Application under Privacy Act and Information Access Policy

10.3.1 Any person applying for access to their personal information will be required to specify the following details in their application:

(a) Approximate location footage was taken from; and

(b) Approximate date and time footage was taken.

11. BREACHES OF THE CODE

11.1 Responsibility

11.1.1 Council will be responsible for ensuring compliance with the Code.

11.1.2 Council is required to investigate any alleged breach of the Code. If a breach is found to have occurred, Council will remedy that breach to the extent possible under the Code.

11.2 General Complaints

11.2.1 Complaints in relation to any aspect of the management or operation of the CCTV Project may be made in writing to:

The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

or, by telephone on (02) 4429 311.

11.2.2 The General Manager will inform the Audit Committee in writing of the nature of these complaints.

11.2.3 A copy of Council's Complaints Policy can be obtained from Council.

11.3 Privacy Complaints

11.3.1 Privacy complaints in relation to the CCTV Project may be made to Council in accordance with Council's Privacy Management Plan. A copy of the Privacy Management Plan can be obtained from Council.

11.2.3 Privacy complaints in relation to the CCTV Project may also be made to Privacy NSW. The *Privacy and Personal Information Protection Act 1998* authorises Privacy NSW to investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy NSW. The contact details for Privacy NSW are:

Privacy NSW
Locked Bag 5111
Parramatta NSW 2124
Tel: (02) 8688 8585
Fax: (02) 8688 9660
Email: privacy_nsw@agd.nsw.gov.au

11.2.4 Council will cooperate with the investigation of any complaint by Privacy NSW.

12. CHANGES TO THE CCTV PROJECT AND/OR THE CODE

12.1 Minor Changes

12.1.1 A minor change to the CCTV Project or Code may be made with the agreement of the General Manager of the Council.

12.1.2 Minor changes will be advised to Councillors.

12.1.3 A minor change would include any change as may be required for the purposes of adjustment of the CCTV Project or clarification of the Code.

12.1.4 An example of a minor change is the replacement of one brand of video recorder with another or a change to the wording of a particular section of the Code where its meaning might otherwise be ambiguous.

12.2 Major Changes

12.2.1 A major change to the CCTV Project or Code can only be made after consultation with relevant stakeholders and upon the agreement of the Council.

12.2.2 A major change is any change that will have a significant impact upon the operation of the CCTV Project or the Code.

12.2.3 An example of a major change is a change to the purposes of the system or a proposal to install further permanent cameras.

12.2.4 The consideration and/or introduction of any major change to the CCTV Project or to the Code will be included in the regular audit report (see Section 6.4).

Attachment 1
Standard Operating Procedures
CCTV – Nowra CBD