

# CLOSED CIRCUIT TELEVISION SYSTEM COUNCIL POLICY

## POLICY STATEMENT

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The City of Bunbury provides a CCTV system to the district in order to:

- Deter criminal, anti-social and suspicious activity;
- Review and record criminal, anti-social and suspicious activities.
- Identify opportunities to reduce the fear of crime within the City of Bunbury.
- Provide WA Police and the City of Bunbury compliance team with lines of enquiry and evidence to support with investigations and prosecutions.
- Provide internal assistance with event coordination, emergency management and other public activities within the City of Bunbury.
- facilitate a rapid response by City staff, WA Police Officers or other emergency service personnel to incidents of concern; and
- improves the safety of traders, retailers, workers, visitors and City of Bunbury staff.

## POLICY SCOPE

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This policy applies to employees at the City of Bunbury.

## POLICY DETAILS

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### 1. Definitions

“Suspicious Activity” means any activity whereby an officer may reasonably assume an offence is occurring, or an occurrence is imminent.

“Authorised Person” means a person appointed by the Chief Executive Officer (CEO) of the City of Bunbury, to manage, maintain and monitor the City’s CCTV system.

“CEO” means the Chief Executive Officer of the City of Bunbury.

“CCTV” means Closed Circuit Television System.

“DATA” refers to any isolated audio, video or images recorded on the CCTV system.

“MOU” refers to a Memorandum of Understanding established between the City of Bunbury and WA Police.

“WAPOL” means the West Australian Police and/or any sworn officer of the West Australian Police force.

## **2. Ownership and Control of the CCTV System**

- a. The CCTV system is owned by and is the sole property of the City of Bunbury.
- b. The City of Bunbury Team Leader Rangers & Emergency Management (TLREM) shall be responsible for the management of the CCTV system and operations.
- c. All maintenance and upgrades of the CCTV system to be managed by City of Bunbury Information Communication and Technology (ICT) staff in collaboration with the TLREM.
- d. A member of WAPOL is permitted to operate the CCTV system in accordance with this Policy and in accordance with the MOU (Appendix 1).
- e. A member of WAPOL may not direct any City of Bunbury authorised person to undertake any task relating to the CCTV system unless in accordance with this Policy or the MOU.
- f. All camera locations shall be provided to the WA Police CCTV register via this internet portal: [wastatecctvregister.police.wa.gov.au](http://wastatecctvregister.police.wa.gov.au)

## **3. CCTV Staff**

- a. Any staff involved in the monitoring operations of the CCTV system must be duly authorised by the CEO.
- b. All staff must provide a current Police Clearance certificate prior to access to CCTV monitoring equipment.
- c. Any staff involved in CCTV monitoring and operations must follow this policy and any relevant procedures, at all times.

## **4. Access to CCTV**

- a. Only persons authorised by the CEO are permitted access to the CCTV monitoring system.
- b. No community member may have direct access to footage or monitoring systems. Access to the CCTV room must be in the presence of an Authorised person or WA Police officer for the purpose of investigating an alleged offence.

## **5. Surveillance**

- a. Surveillance of an individual or group shall only take place if the Authorised Person observes suspicious activity of a nature to reasonably assume a threat to persons or property is likely.
- b. Members of the public going about their normal and lawful business shall not be the subject of undue or illegal surveillance. It is an offence to record visually, or observe, a private activity to which that person is not a party.

## **6. CCTV System Control**

### **6.1 Storage and Management of Data**

- a. Video and still photographs may only be recorded by an Authorised Person if actual suspicious activity has been observed.
- b. At no time shall copying of images or still photographs be undertaken of members of the public going about their lawful business.
- c. All information recorded and collected from the CCTV system shall remain the sole property of the City of Bunbury.
- d. All saved data shall be recorded in a register kept for that purpose including date, time and category of incident.
- e. Any saved data shall be 'stamped' with time, date and location. Any printed still images must also have the Authorised Officers signature.
- f. All saved data must remain on the Drive within the locked CCTV Monitoring room, unless a written request has been received from WA Police or an approved

member of City of Bunbury staff. Access to the CCTV monitoring room must be restricted to Authorised Person only.

- g. All data must be retained for a minimum of thirty-one (31) days. Following this period, data and still photographs not used in an investigation by either the City or an Authority may be erased and destroyed. Pursuant to the General Disposal Authority (GDA) 2015, section 100.04 footage used in an investigation by either the City or an Authority must be retained for 7 years, then destroyed.
- h. All written requests for CCTV data shall be filed at the City of Bunbury.

## **6.2 Viewing of Recorded Footage**

- a. WA Police, Lawyers acting on behalf of individuals engaged in legal proceedings related to a recorded incident, or individuals acting as their own legal counsel in relation to a recorded incident, may request to view the footage of that incident.
- b. Any request for footage must specify the date, time and location of the incident.
- c. Requests by lawyers and individuals shall be made in writing and lodged with the CEO.
- d. Members of the general public will not have access to images retained in these systems unless such access is ordered by a legal ruling or approved Freedom of Information application.

## **6.3 Copying of Recorded Footage and Still Photographs**

- a. Access to copies of data from these systems will only be provided to WA Police or City of Bunbury staff unless such access is ordered by a legal ruling or approved Freedom of Information application.
- b. Copying of footage is to be made only by a City of Bunbury Authorised Person.
- c. Where the City of Bunbury provides a copy of recorded footage or still photograph or any other material, it shall be done in accordance with Section 570B of the *Criminal Code*.
- d. Certified copies will only be released to the parties named above when written permission to do so has been received from an Authorised Person and on the completion of the appropriate documentation.

## **6.4 Release of Copy of Recorded Footage or Still Photographs**

- a. A copy of recorded footage and still photographs shall not be released to any person or organisation unless requested under s.711 of the *WA Criminal Code Act Compilation Act 1913*, by court summons or by other legal instrument.

Nothing in this section prohibits the provision of a copy of recorded footage or still photographs by an Authorised Person or WAPOL if required in accordance with the disclosure of evidence provisions under the *Criminal Procedures Act 2004*.

- b. At no time shall original or copied recordings or still photographs be released to any media organisation, journalist or other individual or group without the written approval of the CEO.
- c. Any member of the public can request to see any images recorded of them personally. Once a third party is contained within the data, then access is available only through the Freedom of Information Act via a written request to the CEO. The Freedom of Information Act provides access to any document (which includes electronic data) but not answers to questions. The City of Bunbury can choose to refuse access to data that is listed as exempt under Schedule 1 of the *Freedom of Information Act 1992*.

## 7. Joint Operations with WA Police

- a. Members of WAPOL may request the cooperation of the City of Bunbury for the purpose of covert surveillance of WAPOL operations.
- b. Such requests shall be made in writing by WAPOL to the CEO.
- c. The request shall detail the times and general purpose for which surveillance support is requested.
- d. The City of Bunbury may decline to provide cooperation.
- e. Any Authorised Person may withdraw cooperation at any time during the operation should they consider that the use of the CCTV is contrary to this Policy and/or the MOU.

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- *Local Government Act 1995*
- *WA Criminal Code Act Compilation Act 1913*
- *Criminal Procedures Act 2004*
- *State Records Act 2000*
- *Surveillance Devices Act 1998*
- *Freedom of Information Act 1992*
- *General Disposal Authority 2015*

### INDUSTRY

### ORGANISATIONAL

- *Memorandum of Understanding – Western Australia Policy and City of Bunbury*
- *City of Bunbury Record Keeping Plan*

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