ITEM 10 POST EXHIBITION - DRAFT CCTV CODE OF PRACTICE AND REGISTER

At its meeting on 28 August 2022, Council resolved to place an updated CCTV Code of Practice and Register (the Code) on public exhibition. This report provides the results of the public exhibition process and presents the CCTV Code of Practice for adoption by Council.

RECOMMENDATION

The updated CCTV Code of Practice be adopted

REPORT AUTHORISATIONS

Report of: Ingrid McAlpin, Chief Information Officer
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

1   CCTV Code of Practice
2   CCTV Register

BACKGROUND

At its meeting held on the 28 August 2022 Council considered a report to place on public exhibition, an updated CCTV Code of Practice and Register to satisfy the requirements of *NSW Government Policy Statement and Guidelines for Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places*. The Code of Practice had been simplified and the register of CCTV installations was removed from the existing policy document. The register will instead reside on the Council's website. The advantage of this approach is that it will facilitate near real-time update of the register based on the information in Council's corporate systems. It also provides a geographic interface allowing the Community easy access to accurate and up-to-date information.

Council noted that the use of CCTV in the LGA required an on-going means of evaluation. To satisfy this requirement a CCTV Evaluation Framework is being developed as mechanism for evaluating the on-going effectiveness of CCTV cameras in reducing crime and improving public safety.

Council resolved to endorse the draft CCTV Code of Practice and Register for public exhibition. The draft CCTV Code of Practice and Register were exhibited providing the public with an opportunity for feedback.

PROPOSAL

It is proposed that the updated CCTV Code of Practice, as outlined in Attachment 1, be adopted. The updated CCTV Code of Practice contains information and standards to guide the operation of Council's CCTV Program and is supplemented by Council's CCTV Management Policy and Standard Operating Procedure (SOP) which provides instruction on the day-to-day operation of the CCTV system specific to each CCTV site. The CCTV Register will be made available on Council's website.

CONSULTATION AND COMMUNICATION

The draft Code of Practice and Register were placed on public exhibition for a period of 28 days, concluding on the 28 October 2022, in which time the public could view the draft document and make comment. During the exhibition period the webpage for the policy exhibition was visited 98 times, with 18 copies of the document being downloaded and 1 submission being received by the end of the exhibition period.

The submission received provided commentary on an article on the Code of Practice, in the Illawarra Mercury on 30 August 2022, but did not request any changes to the Policy or Register.

At the meeting held on the 5 October 2022, Neighbourhood Forum 5 also provided commentary in support of the CCTV Code of Practice and Register noting some community concern around the security of data and potential intrusion into privacy. Council's CCTV Management Policy and Standard Operating Procedure (SOP) provide instruction on the day-to-day operation of the CCTV system specific to each CCTV site and clarity around the capture, storage, and release of CCTV footage.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal "Wollongong is a creative, vibrant city".

It specifically delivers on the core business activities detailed in the 2022-23 Service Plan of the Information Management and Technology Division.

SUSTAINABILITY IMPLICATIONS

Council is committed to creating a sustainable City for future generations. The Code of Practice and Register is guided by that principle and aims to encourage the ethical, financially responsible and environmentally sustainable use of Council's resources by the Council.

RISK MANAGEMENT

The draft CCTV Code of Practice and Register is intended to reduce risks in the area of provision of CCTV cameras and routine surveillance, by following the *NSW Government Policy Statement and Guidelines for Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places*.

FINANCIAL IMPLICATIONS

The adoption of the updated CCTV Code of Practice and placement of the Register on Council's website is not expected to create any additional financial implications to Council.

CONCLUSION

The CCTV Code of Practice is recommended for adoption.

**CCTV CODE OF PRACTICE
COUNCIL POLICY**

ADOPTED BY COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

This Code of Practice (policy) outlines the principles that council staff will consider to determine the establishment, operation and management of CCTV in public places.

POLICY INTENT

The main objectives of this policy are to;

1. Help secure a safer environment and protect the community and property from crime
2. Assist in reducing personal and property crime levels by deterring potential offenders;
3. Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or in progress;
4. Assist in the detection and prosecution of offenders and;
5. Assist with crowd control for public events.

WOLLONGONG 2032 Objectives

This policy aligns to Goal 5 of our Community Strategic Plan, *"We have a healthy community in a liveable city"* and in particular the objective that suburbs and places are liveable and safe. This policy relates to Community Strategic Plan 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community, 5.10, Partnerships continue to strengthen and achieve a safe accessible and resilient community and 5.11 Local crime continues to be prevented and levels of crime reduced.

1   INTRODUCTION

Closed Circuit Television (CCTV) has increasingly featured in the community as a safety and crime prevention tool. CCTV can be effective in improving perceptions of safety, deterring antisocial and criminal behaviour, protecting assets and assisting in prosecution.

This CCTV Code of Practice (policy) is to be applied to the management of the CCTV system used across the entirety of the Wollongong Local Government Area (LGA). The CCTV system consists of cameras monitors, control panels, intelligent video software, video recording systems and supporting infrastructure.

Wollongong City Council's CCTV system is part of a layered security response that Council utilises with an aim to reduce crime. Other strategies include activating public space, appropriate lighting, natural surveillance, access control and signage.

Temporary CCTV cameras differ from Council's other CCTV cameras only in that they can be rapidly deployed to and from locations in order to prevent and reduce crime and anti-social behaviour in public space. Temporary CCTV cameras are included in Council's CCTV Program and are covered by Council's CCTV Code of Practice.

It is acknowledged that CCTV cameras installed in public place locations and as part of Council infrastructure may also capture Council staff performing work tasks. The CCTV Program, the subject of this Code of Practice, is not designed to intentionally provide workplace surveillance. Where the purpose is to provide workplace surveillance and/or a record of accidents or other non-crime incidents, Council's Surveillance of Employees Policy must be complied with.

This Code applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.

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This Code does not apply to:

a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;

b) mobile cameras including dash cams, safety cams (e.g. on community buses), web cams, drone footage and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;

c) Cameras capturing still images for the purposes of regulatory compliance e.g. on the weighbridge at Whyte's Gully;

d) cameras attached to Council's garbage trucks for operational purposes

e) where CCTV cameras are used for condition reporting for assets and;

f) CCTV cameras operated for the purposes of Illegal Dumping Surveillance

g) cameras used as smart sensors for the purpose of collecting data for business intelligence analytics e.g. for traffic flow monitoring or crowd density estimations etc.

Although CCTV systems installed by a community-based organisation who lease Council facilities are outside the scope of this Code, these systems will need approval from Council prior to installation. Council staff will consider how the proposed system aligns with the principles (below) prior to approving such a system. If approved, the system will be owned and operated by the organisation in accordance with appropriate legislation and guidelines.

Nothing in this policy authorises or permits in any way the use of facial recognition or any form of biometric technology. As a consequence, Council CCTV (or related technology) cannot incorporate or deploy such recognition or biometric technology.

2 KEY PRINCIPLES

Council staff will consider and determine the establishment, operation and management of CCTV in public places by Council, in accordance with applicable guiding principles as required, such as those outlined in the NSW Government CCTV Guidelines.

1. Council staff will ensure that where CCTV is established, operated and managed for crime prevention and community safety purposes, that the implementation of CCTV will be part of an integrated, multi-agency approach to crime control and community safety.

CCTV will only be considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and that prior to installation, a safety and security audit will be completed. The audit will consider:

- Whether the problem is on-going or the result of a one-off event;

- Whether the perception of crime is supported by evidence and data;

- How the establishment, operation and management of CCTV fits within a broader crime prevention strategy;

- Evidence as to the effectiveness of CCTV in addressing the identified crime;

- The lawfulness of the collection of personal information via CCTV; and

- The costs associated with establishing, operating and managing the CCTV

2. Council staff will ensure that the ownership of public area CCTV system is clear and publicly known.

- Council staff will erect signs informing the public of the existence of CCTV in a public place and will take steps to ensure that the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*.

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Furthermore, Council staff will maintain a public register of all of its CCTV systems and their locations.

3. When considering establishing or significantly expanding a public area CCTV system, Council staff will ensure that the relevant concerns of all parties affected are considered through an effective consultation process. People or groups that may be affected by the proposal could include:

- Residents;
- Users of the public place;
- Local businesses;
- Police and other regulatory authorities; and
- Council staff.

Information available through the consultation process will include the potential benefits of the system, possible costs involved, and privacy implications, including people's rights and Council's responsibilities. Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005* and ensure that staff are given due notice prior to the installation of a system.

4. Council staff will identify the purpose and will develop and document objectives for the establishment, operation and management of CCTV in a public place. CCTV will only be used in accordance with its established objectives and not for any other purpose. Objectives may include:

- To assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
- Improving public confidence in the safety and security of public places;
- To deter anti-social behaviours in high risk public places;
- To assist with the safety of Council staff or authorised contractors within public places;
- To assist with the management/operations or maintenance of public places, or monitoring their use; or
- Identifying potential environmental safety risks.

5. Where CCTV is established in a public place for crime prevention purposes, Council staff will consult with NSW Police to ensure that the installation of CCTV fits within a broader crime prevention strategy and will meet its objectives. NSW Police have viewing access to Council's CCTV facilities under an agreed Memorandum of Understanding.

6. Council staff will ensure that its CCTV systems are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including that:

- The recording and retention of images is undertaken lawfully;
- The purpose for which the information is being obtained is known;
- The information is not used for any purpose other than that stated;
- People are made aware that they may be subject to CCTV surveillance; and
- The owners of the system are known and accountable for its operation

7. Council staff will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives.

The evaluation framework will provide guidance on appropriate mechanisms to enable Council staff to

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assess whether the CCTV system is:

- Achieving its objectives (including an assessment of its impact upon crime and community safety, for those systems implemented for crime prevention or community safety purposes);

- Being used in accordance with its established objectives, and not for any other purpose;

- Impacting on any groups;

- Providing an overall benefit (after consideration of the costs involved in operating the system); and

- Requires changes to the extent or location of the cameras, or technology utilised.

8. Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes (in person at Council's Customer Service Centre, or via phone, letter or email).

   Complaints, except for those specified below, will be managed in accordance with Council's *Customer Feedback Handling Policy*.

   Complaints in relation to Council's handling of a person's personal information may be made and will be managed in accordance with Council's *Privacy Management Plan*.

   Complaints in relation to Council's handling of a person's personal information may also be made to the NSW Information and Privacy Commissioner.

9. Council staff will review its CCTV systems every two (2) years to assess compliance with this Code and any associated management policies and standard operating procedures. The review will examine such matters as:

   - Assessment of the system and any technological problems;

   - Processes used to receive, access and process footage requests;

   - Complaints received and responses provided;

   - Compliance with relevant legislation, regulations and Australian Standards; and

   - Whether the systems and processes utilized remain good practice.

LEGISLATIVE REQUIREMENTS

The policy reflects, relevant laws and standards including;

- *NSW Privacy and Personal Information Protection Act 1998*

- *NSW Privacy and Personal Information Protection Regulation 2019*

- *NSW Workplace Surveillance Act 2005*

- *Security Industry Act 1997 No. 157 (NSW)*

- NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places Standards Australia (2006) Closed Circuit television (CCTV) Part 1 Management and operation (AS 4806.1 – 2006)

- Standards Australia (2006) Closed Circuit television (CCTV) Part 2 Application guidelines (AS 4806.2 – 2006)

REVIEW

This Policy will be reviewed every four (4) years or more frequent if significant legislative changes occur, or upon any changes to the *NSW Government CCTV Guidelines*.

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The review will consider the results of the audits of Council's CCTV systems, to ensure that this Code is effective and has been implemented appropriately.

REPORTING

There are no reporting requirements under this Code of Practice.

RELATED PROCEDURES

Standard Operating Procedures

CCTV Management Policy

Privacy Management Plan

Customer Feedback Handling Policy

DEFINITIONS

Closed Circuit Television System (CCTV) - A private television system involving one or more cameras, used to transmit images to a specific limited number of monitors on the same network or circuit

Public Places - Land and/or facilities that are owned, operated, or in the care of Council and which are considered by Council to be freely accessible to members of the public. Such areas may be defined by relevant legislation. Examples of public places, for the purposes of this Code, include Council's Customer Service Centre, libraries, parks, playgrounds, community centres, sporting fields, swimming pools, streets, footpaths

APPROVAL AND REVIEW		
Responsible Division	[Name of Division]	
Date/s adopted	*EMC* [updated by policy owner]	*Council* [To be inserted by Governance]
Date/s of previous adoptions		
Date of next review	[Not more than two years from last adoption]	

Location and Purpose of CCTV

Wollongong Memorial Gardens

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime Safe – Money Handling
- Staff Security – Risk Management
- Observing funeral services held on premises for operational purposes; that is, to assist in the safe and efficient management of casket entry, removal and related tasks

Warrawong Library

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Helensburgh Library

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Helensburgh Waste Disposal Depot

- Assist in reducing personal and property crime levels by deterring potential offenders Monitor traffic flow in and out of the site
- Assist operatives to validate the loads that are entering the site
- Assist operatives to ensure that there are no hazardous or prohibited material entering the site
- Assist in the detection and prosecution of offenders Assist in the detection of offenders in illegal dumping Assist in identifying theft offenders

Whytes Gully Waste Disposal Depot

- Assist in reducing personal and property crime levels by deterring potential offenders Monitor traffic flow in and out of the site
- Assist operatives to validate the loads that are entering the site
- Assist operatives to ensure that there are no hazardous or prohibited material entering the site

- Assist in the detection and prosecution of offenders Assist in the detection of offenders in illegal dumping
- Assist in identifying theft offenders

Council Administration Building and Car Park

- Building and Car Park Asset Protection Crime Prevention
- Security Services Operational Quality Controls Safe – Money Handling
- Staff Security – Risk Management

Wollongong City Centre and Mall and Adjacent Streets

- Pedestrian Traffic – People Counting for marketing and display purposes Crime Prevention
- Crime Investigation and analysis
- Public Liability Claims – Proof of evidence. (Slips, Trips and Falls) Crowd Control – Public events (Australia Day, Viva La Gong) Asset Protection
- Maintain safe environment for the community

Central Store

- Observation of unauthorised access to stores area

Central Depot

- Building and Car Park Asset Protection Crime Prevention
- Assist in reducing personal and property crime levels by deterring potential offenders
- Assist in the detection and prosecution of offenders

North Depot

- Building and Car Park Asset Protection Crime Prevention
- Assist in reducing personal and property crime levels by deterring potential offenders
- Assist in the detection and prosecution of offenders

Southern Works Depot

- Building and Car Park Asset Protection Crime Prevention
- Assist in reducing personal and property crime levels by deterring potential offenders
- Assist in the detection and prosecution of offenders

Dapto Ribbonwood Centre (excluding child care centre)

- Assist in reducing personal and property crime levels by deterring potential offenders; Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations
- Where the commission of a crime is imminent or is in progress Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Thirroul District Community Centre and Library

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime

- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Corrimal District Library and Community Centre

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Illawarra Performing Arts Centre

- Crime Prevention
- Security Services Operational Quality Controls Building Asset Protection
- Public Liability Controls – Trips, slips and falls

Integral Building – 81-83 Burelli Street

- Crime Prevention
- Staff Security – Risk Management Building Asset Protection

ihub – 93 Crown Street Wollongong

- Crime Prevention Customer Service Building Asset Protection

North Wollongong Beach

- Monitoring use of Puckeys Beach (Fairy Meadow creek entrance) (see also Bathers Pavilion below)

Wollongong Youth Centre

- Crime Prevention
- Staff Security – Risk Management Building Asset Protection

Wollongong Art Gallery

- Crime Prevention
- Security Services Operational Quality Controls Building Asset Protection
- Public Liability Controls – Trips, slips and falls

Bathers Pavilion

- Assist in reducing personal and property crime levels by deterring potential offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Assist in water surveillance of Puckey's Beach near Fairy Creek
- Crowd Control – Public events (Australia Day, New Years' Eve)

Marine Drive

- Assist in reducing personal and property crime levels by deterring potential offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Crowd Control – Public events (Australia Day, New Years' Eve)

Berkeley Pool

- Staff Security – Risk Management
- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Mt Keira Summit Park – toilets, carpark, telecommunications tower and kiosk

- Assist in reducing personal and property crime level by deterring potential offenders. Assist in reducing the public's fear of crime.
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Assist in the detection and prosecution of offenders.
- Help secure a safer environment and protect the community and property from crime.

Tramway (Blue Mile)

- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Assist in the detection and prosecution of offenders. Crowd Control – Public events.
- Asset protection.
- Assist in reducing the public fear of crime. Public liability controls.

Beaton Park Leisure Centre

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Help secure a safer environment and protect the community and property from crime.
- Safe money handling
- Staff Security – Risk Management

Lakeside Leisure Centre

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.

- Help secure a safer environment and protect the community and property from crime.
- Safe money handling
- Staff Security – Risk Management

Unanderra Library

- Assist in reducing personal and property crime levels by deterring potential offenders Assist in reducing the public's fear of crime
- Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress
- Assist in the detection and prosecution of offenders
- Help secure a safer environment and protect the community and property from crime

Bulli Beach Tourist Park

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Help secure a safer environment and protect the community and property from crime.
- Safe money handling
- Staff Security – Risk Management

Corrimal Beach Tourist Park

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Help secure a safer environment and protect the community and property from crime.
- Safe money handling
- Staff Security – Risk Management

Windang Beach Tourist Park

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders
- Assist Police in determining the appropriate allocation of resources in situations where the commission of crime is imminent or is in progress.
- Help secure a safer environment and protect the community and property from crime.
- Safe money handling
- Staff Security – Risk Management

Geotechnical Services Soils Lab

- Crime Prevention
- Staff Security – Risk Management Building Asset Protection

Kanahooka Point

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders

Memorial Park Corrimal

- Assist in reducing the public fear of crime
- Assist in reducing personal and property crime levels by deterring potential offenders.
- Assist in the detection and prosecution of offenders

Wollongong Town Hall

- Crime Prevention
- Security Services Operational Quality Controls Building Asset Protection
- Public Liability Controls – Trips, slips and falls