

TEMORA SHIRE COUNCIL



TEMORA
The Friendly Shire

CCTV

ACTIVE

Review Details

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TABLE OF CONTENTS

1. Introduction..... 4

2. Definitions..... 4

3. Key Principles 4

4. Changes To The Code Of Practice 6

5. Purpose..... 6

6. Responsibilities Of The Owner Of The Program..... 7

7. Reponsibilities Of Partner To The Program 7

8. Accountability..... 8

9. Public Information..... 8

10. Assessment Of The System And Code Of Practice 9

11. Management Of The Control Room 10

12. Control And Operation Of System 10

13. Data, Photographs And Recorded Material 11

14. Contact With Police/Security Service..... 12

15. Breaches Of The Code..... 12

Request Form For A Copy Data Disk – Police 14

Request Form For A Copy Data Disk – Council Staff 15

Request Form For A Copy Data Disk – Security 16

1. INTRODUCTION

The aim of the CCTV installation is to protect residents and visitors and property and reduce the potential for crime in the Temora CBD.

The provision and use of CCTV supports the maintenance of a secure environment by ensuring an appropriate level of surveillance. The visual presence of CCTV cameras provides a strong deterrent against crime and will often seem to reduce the fear of crime and reassure residents.

The CCTV installation is part of an overall management system for the Temora CBD which includes liaison with police and security, liquor accord and streetscape management.

2. DEFINITIONS

Code: Means the Code of Practice

Closed Circuit Television (CCTV) means a television system that transfers images on a closed loop basis, where images are only available to those directly connected to the transmission system.

Public place is defined in the Local Government Act 1993 and specifically refers to public reserves and public roads.

Temora Security Officer is defined as the firm and its employees which is contracted by Council to perform street patrols within Temora.

3. KEY PRINCIPLES

The Code of Practice is based on 13 key principles. In each section the key principle is stated, followed by further explanatory information.

The key principles are as follows:

Principle 1

The CCTV program 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 of Practice

Principle 2

The CCTV program will be operated with due regard to 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

The public interest in the operation of the CCTV program will be recognised by ensuring the security and integrity of operational procedures.

Principle 4

Temora Shire Council has primary responsibility for compliance with the purposes and objectives of the CCTV program, for the maintenance, management and security of the program, and the protection of the interests of the public in relation to the Program.

Principle 5

As a partner to Temora Shire Council CCTV program the NSW Police Force and Temora Security Officer will act in accordance with the Code of Practice.

Principle 6

The Council will be accountable to the public for the effective operation and management of the CCTV program.

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Temora Shire Council's CCTV program.

Principle 8

Regular monitoring and evaluation of the CCTV program will be undertaken to identify whether the purposes of the program are being complied with and objectives are being achieved.

Principle 9

Access to the CCTV control room will be restricted to qualified operating staff and their managers and the control room will be protected from unauthorised access.

Principle 10

Information recorded will be relevant and not exceed that necessary to fulfil the purposes of the CCTV program

Principle 11

Information will be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

Principle 12

The retention of, and access to photographs and recorded material will be only for the purposes provided by this Code of Practice. Recorded material will be retained for a minimum of 31 days unless they are required in relation to the investigation of crime or for court proceedings. Recorded material no longer required will be disposed of using approved methods.

Principle 13

Contact related to the CCTV program between Temora Shire Council's staff and the Police, will be conducted strictly in accordance with the Code of Practice.

4. CHANGES TO THE CODE OF PRACTICE

- 4.1 A major change to this Code of Practice will take place only after consultation with the NSW Police Force and be approved by the Temora Shire Council. All proposed changes will be subject to a public submission period of 28 days. A major change is a change which will have a significant impact upon the operation of the system or the Code of Practice. For example, a change to the purposes of the programme or the key principles of this code.
- 4.2 Any minor change to the CCTV program or to the Code of practice may be made by the General Manager or his/her delegate(s). A minor change is such as may be required for the purposes of an adjustment of the operations of the program or clarification of the CCTV Program or the Code of Practice.

5. PURPOSE

Principle 1

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

Principle 2

The CCTV Program will be operated with due regard to 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

The public interest in the operation of the CCTV program will be recognised by ensuring the security and integrity of operational procedures.

The primary purpose of Temora Shire Council's CCTV program is to assist in the prevention of crimes against the person.

The secondary purpose of the CCTV program is to assist in the prevention of other serious criminal offences, including property offences.

The objectives of the CCTV program are:

- i) to reduce crime levels by deterring potential offenders;
- ii) to reduce fear of crime;
- iii) to help ensure a fast, effective police response 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 Temora business area;

The CCTV program will only be used to identify crimes occurring within the area covered by the program.

The CCTV program may be used for intelligence gathering on individual and locations, in relation to offences within the scope of the program.

The CCTV program may be used for NSW Police Force special operations, targeting offences covered under the Code of Practice.

6. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

Principle 4

The Shire of Temora has primary responsibility for compliance with the purposes and objectives of the CCTV program for the maintenance, management and security of the program and the protection of the interests of the public in relation to the Program.

6.1 The Temora Shire Council will be responsible for the introduction and implementation of the Code of Practice and for ensuring compliance with the principles contained within the Code.

6.2 The Temora Shire Council will comply with the requirements for accountability set out in this Code of Practice.

6.3 The Temora Shire Council will consult with and provide information to the public about the operation of the CCTV program and about any proposed changes to the program or Code of Practice.

7. RESPONSIBILITIES OF PARTNER TO THE PROGRAM

Principle 5

As a partner to Temora Shire CCTV program, the NSW Police Force and Temora Security Service agree to act in accordance with the Code of Practice.

7.1 Incidents that may involve or lead to a crime against the person or other serious threat to public safety, or other serious criminal offence, will be reported to an arranged police contact. The police will assess the situation and determine an appropriate response to the incident.

7.2 It is the responsibility of the NSW Police Force to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.

7.3 The NSW Police Force will develop its own operational procedures in relation to the CCTV program to complement those developed by Temora Shire Council.

- 7.4 A Memorandum of Understanding in relation to the CCTV program will be entered into both by Temora Shire Council and the NSW Police Force outlining in detail the respective roles of both parties. The memorandum of understanding and any variation to it, are to be approved by both the Mayor and General Manager or by Council, and are to be circulated to Councillors.

8. ACCOUNTABILITY

Principle 6

Temora Shire Council will be accountable to the public for the effective operation and management of the CCTV program.

- 8.1 Temora Shire Council will establish and provide support to a select committee comprising the following:

- Temora Police Representative
- Temora Security Officer
- General Manager
- Mayor
- General Managers Secretary

The functions of the Select Committee will be:

- i) to provide an independent and continuous review and checking mechanism for the CCTV program;
- ii) to identify and report on any deviations from the Code of Practice, protocols or Standard Operating procedures (“SOP”) that come to notice during audit; and
- iii) to recommend action that will safeguard the program from abuse.

- 8.2 The Select Committee will undertake a regular audit of the CCTV program its operations and Code of Practice. The audit will include examination of control room records, data histories and the content of recorded data.

- 8.3 The Select Committee will produce a report every 6 months on the operation and functioning of Temora Shire Council’s CCTV program. The report will be presented to the Mayor and General Manager. A copy of the report will then be circulated to Councillors and made available for public inspection.

- 8.4 Both the Mayor and the General Manager, independently, have an unfettered right of inspection of all facilities associated with external CCTV monitoring, including files and registers, but not including viewing of the recorded footage unless both are present or accompanied by a member of the independent Audit Committee. All such access shall be recorded in the register, including the identity of accompanying person.

9. PUBLIC INFORMATION

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Temora Shire Council’s CCTV program.

- 9.1 Clearly visible signs that CCTV are operating will be displayed at the perimeter of the area covered by the system and at other key points. These signs will:
- i) inform the public that are in operation;
 - ii) allow people entering the area to make a reasonable approximation of the area covered by the system; and
 - iii) identify Temora Shire Council as the owner of the system and give a telephone number and address should further information be required.
- 9.2 Copies of the Code of Practice will be made available to the public. The availability of the Code of Practice will be publicized in connection with any publicity arranged for the CCTV program.
- 9.3 Inquires in relation to the Temora Shire Council's CCTV program and its operation can be made in writing to:

The General Manager
Temora Shire Council
PO Box 262
TEMORA NSW 2666

Or, alternatively, can be made by telephone on (02) 69801100.

10. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

Principle 8

Regular monitoring and evaluation of the CCTV program will be undertaken to identify whether the purposes of the program are being complied with and objectives are being achieved.

- 10.1 In consultation with the NSW Police Force, Temora Shire Council will continuously monitor the operation of the CCTV program and implementation of the Code of Practice.
- 10.2 Temora Shire Council is responsible for ensuring that the CCTV program is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.
- 10.3 Evaluation will be conducted independently or carried out according to independently established criteria.
- 10.4 Evaluation of the CCTV program will include as a minimum:
- i) Assessment of its impact upon crime;
 - ii) Assessment of its impact on neighbouring areas;
 - iii) The views of the public on the operation of the program
 - iv) Operation of the Code of Practice, Protocols and SOPs; and

- v) Whether the purposes for which the program was established still exist.

10.5 The results of evaluation will be taken into account in the future functioning, management and operation of the program.

11. MANAGEMENT OF THE CONTROL ROOM

Principle 9

Access to the CCTV control room will be restricted to qualified operators and their managers and the control room will be protected from unauthorised access.

- 11.1 The circumstances in which police or other visitors are able to access the control room will be carefully controlled.
- 11.2 Access to the operation of equipment will be limited to Temora Shire Select Committee.
- 11.3 A register must be kept detailing all instances of access to the Control room, CCTV facilities and associated property.

12. CONTROL AND OPERATION OF SYSTEM

Principle 10

Information recorded should be accurate, relevant and not exceed that necessary to fulfill the purposes of the program.

Principle 11

Information should be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

- 12.1 The locations of CCTV cameras will be clearly apparent to the public.
- 12.2 All use of CCTV cameras will accord with the purposes of the CCTV program as outlined in the Code of Practice.
- 12.3 CCTV 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 this code and subject to disciplinary action.
- 12.4 No sound will be recorded in public places.
- 12.5 'Dummy' CCTV cameras will not be used.
- 12.6 Operators of camera equipment will act in accordance with the highest standards of probity.

- 12.7 Only staff with responsibility for using the equipment will have access to operating controls.
- 12.8 All staff will be made aware that recordings are subject to routine audit and that they may be required to justify their interest in a particular member of the public or premises.

13. DATA, PHOTOGRAPHS AND RECORDED MATERIAL

Principle 12

The retention of, and access to, data, photographs and recorded material will be only for the purposes provided by the Code of Practice. Data, photographs and recorded material will be retained for a minimum of 31 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

- 13.1 Access to and use of recorded footage and photographs will only take place:
- i) in compliance with the needs of police in connection with the investigation of crime; or
 - ii) if necessary for the purposes of legal proceedings and
 - iii) necessary application on prescribed form is made
- 13.2 Recorded footage and photographs will not be sold or used for commercial purposes or the provision of entertainment.
- 13.3 The showing of recorded footage or photographs to the public will be allowed only in accordance with the needs of the police in connection with the investigation of crime or in any other circumstances provided by law. Any such action must be formally approved by the police.
- 13.4 Release of recorded footage or photography to the media should only occur for the purpose of crime prevention or investigation. Subject to concurrence of the Police, the relevant Group Manager may approve such releases after consultation with the General Manager and Mayor. In such cases the recognizable characteristics of other people in the footage shall be obscured. All requests for the release of footage must be in writing, including the purpose of the request, the context of the release, the date and time of airing, and the person responsible for controlling storage and access to the footage.
- 13.5 Images shall not, under any circumstances, be used to publicise the existence or success of Temora Shire Councils CCTV program.
- 13.6 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 13.7 Recorded material will be treated according to defined procedures to ensure continuity of evidence.

- 13.8 All recorded material and photographs will be subject to random inspection by the Audit Committee.

14. CONTACT WITH POLICE/SECURITY SERVICE

Principle 13

Contact related to the CCTV program between Temora Shire Council staff and the Police/Security Service will be conducted strictly in accordance with the Code of Practice.

- 14.1 Police Officers/Security Service will not be permitted to remove any recorded footage or photography, operate recording equipment or have contact with any recorded footage or photography at any time unless under the terms of this Code of Practice, or subject to the execution of a search warrant or other relevant legal process.
- 14.2 Any change in existing arrangements for police/security service contact with and use of the system will amount to a major change to the Code of Practice and must be agreed to in accordance with the Code of Practice before being implemented.
- 14.3 Any involvement in the CCTV program by police/security service will be recorded by the Temora Shire Council and will be subject to audit.

15. BREACHES OF THE CODE

Principle 14

The CCTV program must address the interest of all who may be affected by it, and not be confined to the interests of Temora Shire Council or the needs of the criminal justice system.

- 15.1 Prime responsibility for ensuring the Code of Practice is adhered to rests with the Temora Shire Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the amity of Temora Shire Councils power to remedy.
- 15.2 Complaints in relation to any aspect of the management or operation of the system may be made in writing to:

The General Manager
Temora Shire Council
PO Box 262
TEMORA NSW 2666

Or, alternatively, can be made by telephone on (02) 69801100

The General Manager will inform the select committee (see 8.1) in writing of these complaints.

The Privacy and Personal Information Protection Act 1998 authorises Privacy NSW to receive and 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 as follows:

Privacy NSW
Locked Bag 5111
PARRAMATTA NSW 2124
Tel: (02) 86888585
Fax: (02) 86889660
E-mail: privacy.nsw@agd.nsw.gov.au

- 15.3 Temora Shire Council will cooperate with the investigation of any complaint by Privacy NSW.

REQUEST FORM FOR A COPY DATA DISK – POLICE

**General Manager
Temora Shire Council
PO Box 262
TEMORA NSW 2666**

Dear Sir/Madam

Videotape Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded by the CCTV cameras operated by Temora Shire Council.

Alleged Incident

.....

Location of Incident

.....

Date/Time

.....

COPS Event Number (report to Police)

.....

Requesting Officer (Print)

Signature*

.....

Station/Branch

.....

**I acknowledge that I am responsible for ensuring the data disk(s) is/are only used for official police purposes.*

Monitoring Staff (Print)

Date/Time

.....

Description of Recording

.....

.....

..... **(Please Print)**

..... **(Signature) Date**

.....

REQUEST FORM FOR A COPY DATA DISK – COUNCIL STAFF

**General Manager
Temora Shire Council
PO Box 262
TEMORA NSW 2666**

Dear Sir/Madam

Videotape Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded by the CCTV cameras operated by Temora Shire Council.

Alleged Incident

.....

Location of Incident

.....

Date/Time

.....

COPS Event Number (report to Police)

.....

Requesting Officer (Print)

Signature*

.....

Station/Branch

.....

**I acknowledge that I am responsible for ensuring the data disk(s) is/are only used for official police purposes.*

Monitoring Staff (Print)

Date/Time

.....

Description of Recording

.....

.....

..... **(Please Print)**

..... **(Signature) Date**

.....

REQUEST FORM FOR A COPY DATA DISK – SECURITY

**General Manager
Temora Shire Council
PO Box 262
TEMORA NSW 2666**

Dear Sir/Madam

Videotape Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded by the CCTV cameras operated by Temora Shire Council.

Alleged Incident
.....

Location of Incident
.....

Date/Time
.....

COPS Event Number (report to Police)
.....

Requesting Officer (Print)

Signature*

Station/Branch
.....

**I acknowledge that I am responsible for ensuring the data disk(s) is/are only used for official police purposes.*

Monitoring Staff (Print)

Date/Time

Description of Recording
.....
.....

.....**(Please Print)**

.....**(Signature) Date**