

# Closed-Circuit Television (CCTV) and Recording Policy

Classification:	Council Policy
Policy Name:	Closed-Circuit Television and Recording Policy
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ECM Tracking No.:	1089184
Responsible Officer:	General Manager Corporate and Development
Relevant Legislation:	<i>Development Act 1993</i> <i>Dog and Cat Management Act 1995</i> <i>Freedom of Information Act 1991</i> <i>Local Government Act 1999</i> <i>Local Nuisance and Litter Control Act 2016</i> <i>Planning, Development, and Infrastructure Act 2016</i> <i>State Records Act 1997</i> <i>Summary Offences Act 1953</i> <i>Surveillance Devices Act 2016 (SA)</i> <i>Work Health and Safety Act 2012</i>
Related Policies:	Code of Conduct for Council Members Code of Conduct for Volunteers Code of Practice – Meeting Procedures Code of Practice – Access to Meetings and Documents Dealing with Disruptive Behaviours Policy IT Acceptable Use and Security Management Protocol Open Space Policy Privacy Policy Records Management Policy

## 1 Introduction

This Policy guides the installation, operation, management, and regulation of the City of Burnside fixed and mobile Optical Surveillance Devices and Listening Devices and the creation, storage, management, use and disposal of Audio/Visual Recordings.

## 2 Strategic Plan Desired Outcomes

PRINCIPLE: *Improvement and Innovation, Governing with Integrity*

THEME: **COMMUNITY**

PRIORITY: **1.4 – Facilities, services and programs that meet our community's needs.**

### 3 Our Approach

- 3.1 Safe streets and public places which create a sense of pride and community.
- 3.2 Elected Members as community ambassadors.
- 3.3 Regularly review, update, and adopt leading governance, risk management and administrative practices.
- 3.4 Provide a workplace environment that is healthy and safe.

### 4 Interpretation

- 4.1 For the purpose of this Policy:
  - 4.1.1 "Audio/Visual Recording" means any recording captured an Optical Surveillance Device or a Listening Device.
  - 4.1.2 "Closed-Circuit Television (CCTV)" is a system used for audio and visual video surveillance using video cameras and microphones and transmitting the recorded data to a recording device or monitor(s).
  - 4.1.3 "Information Management" (for the purpose of this Policy) is the collection and management of Audio/Visual Recordings and information.
  - 4.1.4 "Listening Device" means any device which can be used to record audio such as audio enabled CCTV cameras, microphones, telephones/mobile devices equipped with recording software or voice recorders.
  - 4.1.5 "Responsible Officers" are members of staff with the responsibility of managing, monitoring, and extracting Audio/Visual Recordings and associated capture devices, and other related roles specified by the Chief Executive Officer.
  - 4.1.6 "Relevant Act" means the *Local Government Act 1999, Local Nuisance and Litter Control Act 2016, Development Act 1993, Planning, Development and Infrastructure Act 2016, Dog and Cat Management Act* and any other Act where Council has enforcement or regulatory functions, which for completeness does not include the *Surveillance Devices Act 2016 (SA)*.
  - 4.1.7 "Official Record" means a written, graphic, disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device) made or received by Council in the conduct of its business, and may include Audio/Visual Recordings.
  - 4.1.8 "Optical Surveillance Device" means a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place, or activity, and includes a mobile telephone and CCTV.

### 5 Legislative Requirements and Corporate Policy Context

- 5.1 This Policy is made in consideration of Part 2 of the *Surveillance Devices Act 2016 (SA)* which makes provisions relating to the use of Optical Surveillance Devices and Listening Devices.
- 5.2 Taking Audio/Visual Recordings of Council meetings is a matter relevant to the proceedings of the meeting that may be regulated by Council as it sees fit. Specifically, pursuant to section 86(8) of the *Local Government Act 1999*, Council is empowered to determine its own meeting procedures wherever they are not prescribed by legislation.
- 5.3 Extracts of Audio/Visual Recordings of Council meetings may be used as evidence of inappropriate conduct of persons present at the meeting. This includes for the purposes of taking action in relation to the conduct of a member of the public present at a meeting that gives rise to an offence of interrupting a Council meeting such as under regulation 30(b) of the *Local Government (Procedures at Meetings) Regulations 2013*, section 95 of the *Local Government Act 1999* or section 18A(1)(c)(ii) of the *Summary Offences Act 1953*.
- 5.4 Mobile Optical Surveillance Devices and/or Listening Devices may be used by Council officers to record any vision and/or sound of activities or conversations which relate to the exercise of their powers under a Relevant Act in accordance with this Policy and the *Surveillance Devices Act 2016 (SA)*.
- 5.5 Any audio and video surveillance by Council or any recording of a Council meeting by Council may be an 'Official Record' for the purposes of the *State Records Act 1997*. This means such recordings are subject to Council's record keeping obligations and only disposed of in accordance with the City of Burnside Records Management Policy and the relevant General Disposal Schedule approved by State Records.
- 5.6 The *Freedom of Information Act 1991* gives a legally enforceable right of access by members of the public (subject to certain restrictions) to Official Records held by government agencies and Councils. Official Records of Council, including Audio/Visual Recordings may be accessible to an applicant under the *Freedom of Information Act 1991*.
- 5.7 Where appropriate, if an alleged activity which is deemed to be of a criminal nature (i.e. theft, graffiti, vandalism, illegal dumping etc.) is recorded by an Optical Surveillance Device or Listening Device and identified by Council staff, the matter will be referred to the South Australian Police (SAPOL) or an appropriate enforcement agency.

## 6 Policy Objectives

- 6.1 Council values the safety and security of Elected Members, customers, volunteers, contractors, staff, and physical assets.
- 6.2 This Policy addresses the intended purpose of Audio/Visual Recording systems, public notification, information management and access to Audio/Visual Recordings.
- 6.3 Some of the various purposes of Audio/Visual Recording systems include reducing personal and property crime, to deter undesirable behaviour, to capture accurate records of meetings and events, to protect people and assets, to gather reliable information for evidentiary purposes, to meet statutory obligations, to provide evidence to an investigative authority, or for quality and training purposes.

## 7 Information Management

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- 7.1 Responsible Officers are to exercise care to prevent improper disclosure of material in managing Audio/Visual Recordings.
- 7.2 Any approved access to Audio/Visual Recordings for monitoring, maintenance and/or investigative purposes must be recorded, approved and an auditable record of access be created.
- 7.3 Any captured Audio/Visual Recordings must be maintained in accordance with the *State Records Act 1997*.

## **8 Fixed Optical Surveillance Devices and Listening Devices**

- 8.1 Council may install fixed Optical Surveillance Devices and Listening Devices at premises owned or under the care and control of Council (and other premises with the agreement of the owner), including in the Council chamber.
- 8.2 Fixed Optical Surveillance Devices and Listening Devices cameras will be installed by qualified technicians in accordance with appropriate Australian Standards and placed in visible locations.
- 8.3 Council will clearly display signs at key entry points of facilities and in public open spaces equipped with fixed Optical Surveillance Devices to notify visitors that such devices are installed and may be in operation. Visitors attending these areas are taken to be providing implied consent to be recorded.
- 8.4 During events or interactions where Listening Devices may be in operation, such as during meetings, interviews, training sessions or telephone calls, a statement that audio recording is in operation will be provided to ensure implied or express consent, except for during instances where audio recording may be used in the course of duties in accordance with the provisions of the *Surveillance Devices Act 2016 (SA)*. Council will not utilise Listening Devices unless this warning is provided.

## **9 Mobile Optical Surveillance Devices and Listening Devices**

- 9.1 Council officers may utilise mobile Optical Surveillance Devices and Listening Devices to record vision and/or sound that relates to their powers under a Relevant Act, including to record evidence of an offence being committed under one of those Acts. For example, Council officers may use Optical Surveillance Devices and Listening Devices to record a dog wandering at large, or a conversation between a resident and a Council officer where a local nuisance is being enforced, subject to 9.2 and 9.3.
- 9.2 Council officers equipped with mobile Optical Surveillance Devices and Listening Devices must identify themselves and advise that a Mobile Surveillance Device and/or Listening Device is in use when interacting with members of the public. Members of the public continuing to engage with the Council officer are taken to consent to be recorded. Council officers must not turn on their mobile Optical Surveillance Device or Listening Device unless they have notified the members of the public that they are interacting with.
- 9.3 Council officers equipped with a mobile Optical Surveillance Device and/or Listening Device must ensure that the equipment is clearly visible to members of the public. No Optical Surveillance Device or Listening Device may be concealed by a Council officer.

## **10 Public Access to Recordings**

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- 10.1 Access to Audio/Visual Recordings by members of the public (including the media) is facilitated by the *Freedom of Information Act 1991* (FOI Act). The Freedom of Information (FOI) process applies to Audio/Visual Recordings as it does other records and documents held by Council.
- 10.2 Any application received under the FOI Act must be determined by an accredited Freedom of Information Officer. If the application is approved, a member of the public may then listen/view the recording at the Civic Centre or obtain a copy of the requested Audio/Visual Recording within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a staff member delegated by the Chief Executive Officer (CEO) will always be present to operate the equipment.
- 10.3 If alleged criminal activity occurs, the incident should be reported to the South Australian Police (SAPOL). Once a report is lodged and a SAPOL reference is provided to Council, a Responsible Officer is responsible for collating any Audio/Visual Recordings relevant to the alleged criminal activity and supply the evidence to SAPOL or as directed by SAPOL and the Chief Executive Officer (CEO).
- 10.4 Subject to Council Resolution, live streaming or recording of public meetings and events may be accessible via Council's website or through designated online multimedia platforms.

## 11 Elected Member Access to Recordings

- 11.1 Section 61(1) of the *Local Government Act 1999* provides that 'a member of a Council is entitled at any reasonable time, in the connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant Council document', which subject to section 61 of the *Local Government Act 1999*, may include an Audio/Visual Recording.
- 11.2 Section 61(2) of this Act requires any request for access to be directed to the Chief Executive Officer (CEO) of the Council or such other officers as the CEO has specified. Provided that:
  - 11.2.1 the Elected Member makes the necessary request in writing to view or obtain a copy of the Audio/Visual Recording to the CEO of the Council; and
  - 11.2.2 the CEO is satisfied that access to the relevant information relates to the performance or discharge of the functions or duties of that Elected Member; and
  - 11.2.3 it does not contain information that the Elected Member requesting access would not normally be permitted to access (e.g. excluded due to conflict of interest, potentially compromising an ongoing investigation, or if there is a risk to building and/or staff security).
- 11.3 If the application is approved, the Elected Member may then view the Audio/Visual Recordings at the Civic Centre or obtain a copy of the requested Audio/Visual Recordings within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a Responsible Officer delegated by the Chief Executive Officer will always be present to operate the viewing equipment.

## 12 Staff and Investigative Access to Recordings

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- 12.1 Any requests by staff to access Audio/Visual Recordings for the purposes identified in Section 6.3 of this Policy must be directed to the CEO or such other officers as the CEO has specified.
- 12.2 Any investigative requests by the South Australian Police, Australian Federal Police or the Independent Commissioner Against Corruption into alleged criminal or corrupt activity must be directed to the CEO or such other officers as the CEO has specified.
- 12.3 Council staff must adhere to the Information Management clauses detailed in Section 7 of this Policy.
- 12.4 Responsible Officers responsible for the management of systems containing Audio/Visual Recordings must not, at any time, give access to staff unless directed by the CEO or such other officers as delegated by the CEO.

### 13 Privacy

- 13.1 In producing, storing, and releasing Audio/Visual Recordings, Council will comply with *Freedom of Information Act 1991* and the *Surveillance Devices Act 2016 (SA)*, and will also comply with Council's Privacy Policy.
- 13.2 As a rule, Council will not make use of information collected in the conduct of its business for purposes other than those for which that information was collected.
- 13.3 Responsible Officers are to exercise care to prevent improper disclosure of material in managing Audio/Visual Recordings.

### 14 Availability

- 14.1 The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au) or is available for viewing at the Civic Centre during ordinary business hours:

**Address:** City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065

**Office hours:** Monday to Friday, 8.30am to 5.00pm (except public holidays)

### 15 Questions, queries, or complaints

- 15.1 If you have any queries or require further information about this policy please contact:

City of Burnside  
401 Greenhill Road  
Tusmore SA 5065

**By phone:** 08 83664200

**By email:** [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)