



**Public Spaces  
Closed Circuit Television (CCTV)**

**CODE OF PRACTICE**



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## 1. OVERVIEW

- 1.1 This document has been compiled as the Code of Practice for the Penrith City Council Public Spaces CCTV Program.
- 1.2 This Code of Practice contains the aims, objectives and basic standards in accordance with which Penrith City Council's CCTV Program will be operated.
- 1.3 Guidelines and standards required to ensure confidentiality, correct procedures and privacy of all persons authorised to manage the CCTV system are also included.
- 1.4 This Code of Practice will be supported by a set of Standard Operating Procedures (SOPs) for authorised staff to manage the system.
- 1.5 Authorised monitoring and operational staff must be fully aware of the contents of this Code of Practice. The credibility of the program relies upon complete understanding and full knowledge of correct policies and procedures.
- 1.6 It is critical that all equipment relating to the program are used for their identified purpose.
- 1.7 This Code of Practice has been prepared by Penrith City Council, utilising the *New South Wales Policy Statement and Guidelines for Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places*.
- 1.8 This Code of Practice has been developed to ensure compliance with all relevant State and Federal legislation and policy guidelines pertaining to the use of CCTV systems in public places. This includes, but is not limited to:
  - i. *Privacy and Personal Information Protection Act 1998;*
  - ii. *Workplace Video Surveillance Act 2005;*
  - iii. *Local Government Act 1993.*

## 2. PRELIMINARY INFORMATION

### 2.1 Introduction

- 2.1.1 Penrith City Council, together with Local Police and key stakeholders, is committed to fostering a local environment which is safe to live in, work in and visit.
- 2.1.2 In an effort to minimise criminal and anti-social behaviour across the City, Penrith City Council has developed the Public Spaces CCTV Program.
- 2.1.3 The CCTV Program forms one component of Council's broader strategy to minimise crime and improve safety in the Penrith Local Government Area (LGA).
- 2.1.4 This Code of Practice is based on State and Federal law, and reflects all relevant legislative requirements for the establishment and monitoring of CCTV systems in Public Places.



- 2.1.5 This Code of Practice is supported by Standard Operating Procedures (SOPs) for the effective management, operation and monitoring of the CCTV Program.

## **2.2 Key Principles**

The Code of Practice is based on the following guiding principles:

- 2.2.1 The CCTV Program will be operated fairly, within applicable legislative requirements and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.
- 2.2.2 The CCTV Program will only be used to identify crimes occurring within the area covered by the Program.
- 2.2.3 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.
- 2.2.4 The public interest in the operation of the CCTV Program will be recognised by ensuring the security and integrity of operational procedures.
- 2.2.5 Penrith City Council has primary responsibility for compliance with the purposes and objectives of the CCTV Program, the maintenance, management and security of the Program, and the protection of the interests of the public in relation to the Program.
- 2.2.6 As a partner to the Penrith City Council CCTV Program, the NSW Police Force will act in accordance with the Code of Practice.
- 2.2.7 The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Program.
- 2.2.8 Regular review and evaluation of the CCTV Program will be undertaken to identify whether the program's aims and objectives are being achieved.
- 2.2.9 Information recorded will not exceed that necessary to fulfil the purposes of the CCTV Program.
- 2.2.10 Information will be obtained fairly and in accordance with the privacy and confidentiality provisions of this Code of Practice.
- 2.2.11 Access to the CCTV monitoring equipment shall be restricted to authorised staff and will be protected from unauthorised access.
- 2.2.12 The retention of, and access to recorded material will be only for the purposes provided by this Code of Practice. Recorded material will be retained for 21 days (recording cycle) unless required in relation to the investigation of crime or for court proceedings.

## **2.3 Aims of CCTV Program**

The primary aims of the CCTV Program are to:

- 2.3.1 Enhance safety and minimise crime in the Penrith City area;
- 2.3.2 Reduce fear of crime in the community;



- 2.3.3 Assist with detection and prosecution of offenders;
- 2.3.4 Promote a safer environment for those people who live in, work in and visit the City of Penrith.

## **2.4 Ownership of the CCTV Program**

- 2.4.1 Penrith City Council is the owner of the CCTV Program.
- 2.4.2 Penrith City Council is responsible for the development, implementation, monitoring and auditing of the CCTV Program as part of its broader community safety program.
- 2.4.3 Penrith City Council retains ownership of and has copyright in all equipment, footage, images and documentation pertaining to the Program.
- 2.4.4 Penrith City Council will be responsible for the introduction and implementation of the Code of Practice and all supporting procedures relating to the CCTV Program.
- 2.4.5 Penrith City Council will consult with and provide relevant information to the public about the operation of the CCTV Program and about any proposed changes to the Code of Practice.
- 2.4.6 The NSW Police Force is a key partner in the CCTV Program. A Local Area Agreement will be developed and entered into by Penrith City Council and the St Marys and Penrith Local Area Commands of NSW Police Force outlining the respective roles of each party in relation to the CCTV Program.

## **2.5 Operational Boundaries**

- 2.5.1 For the purposes of definition, the area of operation shall be taken to be locations within the Penrith Local Government Area identified as having a higher crime risk or specific need for CCTV.

## **2.6 Confidentiality**

- 2.6.1 Under no circumstances is any technical information relating to the CCTV Program including the number of authorised staff, camera capability, police procedures, etc., to be provided to any unauthorised person.
- 2.6.2 It is essential that all authorised staff members are aware of the need to refrain from disclosing or offering opinions, recommendations or remarks, especially "off the record", to any third person, unless authorised by Penrith City Council.
- 2.6.3 Subject to the provisions of any legislative requirement, all requests for CCTV footage and Police inquiries are to remain confidential.

## **2.7 Media Enquiries**

- 2.7.1 Staff shall direct all media enquiries relating to the CCTV Program to Council's Media Liaison Officer.
- 2.7.2 Under no circumstances is any information to be provided to the media by unauthorised staff.



- 2.7.3 Media enquiries relating directly to Police matters should be directed to the relevant Local Area Commander.

## **2.8 Public Information**

- 2.8.1 Clearly visible signs that CCTV cameras 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 cameras are in operation;
  - ii. Allow people entering the area to make a reasonable approximation of the area covered by the system;
  - iii. Identify Penrith City Council as the owner of the system and give a telephone number and address should further information be required.
- 2.8.2 Inquiries in relation to the Penrith City Council's CCTV Program and its operation can be made in writing to:

The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

## **2.9 Breaches of the Code of Practice**

- 2.9.1 Prime responsibility for ensuring adherence to this Code of Practice rests with Penrith City Council. This responsibility includes ensuring any breaches of the Code are investigated and remedied to the extent that breaches are within Council's capacity to remedy.
- 2.9.2 The Privacy and Personal Information 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. Penrith City Council will cooperate with the investigation of any complaint by Privacy NSW. The contact details for Privacy NSW are as follows:

Privacy NSW  
PO Box A2122  
SYDNEY SOUTH NSW 1235  
Tel: (02) 9268 5588  
Fax: (02) 9268 5501

## **2.10 Review and/or changes to the CCTV Program and/or Code of Practice**

- 2.10.1 The CCTV Program and Code of Practice shall be reviewed on an annual basis.
- 2.10.2 The review is to be undertaken by the Penrith City Council Public Domain Amenity & Safety Manager, in conjunction with NSW Police Force and other relevant stakeholders.
- 2.10.3 A major change to the CCTV Program or to the Code of Practice will take place only after consultation with relevant stakeholders and upon the agreement of Penrith City Council. A report shall be submitted to Council detailing a major change to current policy and procedures manual if this were to occur. A major change is such as will have a



significant impact upon the operation of the system or the Code of Practice for example, a change to the aims of the Program or a proposal to install further cameras.

### **3 SYSTEM INFORMATION**

#### **3.1 System Description**

- 3.1.1 The CCTV Program involves a number of cameras installed at a number of locations throughout the City.
- 3.1.2 Live and/or recorded footage is able to be retrieved by authorised Penrith City Council staff. All recorded footage is retained for 21 days unless required in relation to the investigation of a crime or for court proceedings.
- 3.1.3 Cameras are installed in areas within the public areas of Penrith City area that have been identified as being subject to a high incidence of crime and/or antisocial behaviour. These locations are determined on the basis of crime statistics provided by the NSW Police Force and other statistical data. Social, environmental and commercial considerations are also taken into account.
- 3.1.4 'Dummy' cameras will not be used.

### **4 OPERATIONAL INFORMATION**

#### **4.1 Authority**

- 4.1.1 Staff authorised for the operation, monitoring and retrieval of recorded footage and materials of the CCTV Program shall undertake their duties under the authority of Penrith City Council.
- 4.1.2 Procedures will be put in place to ensure that access to the CCTV monitoring equipment is restricted to authorised operating staff and that equipment is protected from unauthorised access.
- 4.1.3 Operators of camera equipment will act in accordance with the highest levels of probity.
- 4.1.4 The circumstances in which Police or other authorised persons are able to access recorded materials and footage will be carefully controlled and outlined in the Standard Operating Procedures (SOPs).

#### **4.2 Primary Duties**

- 4.2.1 A set of SOPs supplement this Code of Practice, and provide clear instructions for authorised staff on all aspects of the operation of the program including duties, responsibilities and procedures. These SOPs will be based on the Code of Practice, to ensure adherence to the principles and purposes on which the CCTV Program is based.
- 4.2.2 Authorised Penrith City Council Staff will be responsible for the retrieval and management of the CCTV program.
- 4.2.3 The prime duties and responsibilities of authorised staff are, but not limited to:
  - i. Operation and maintenance of the CCTV equipment and software;
  - ii. Retrieval of footage and other recorded materials of the CCTV system;



- iii. Respond to requests from Police relating to incidents and recorded material/footage in accordance with the Local Area Agreement;
- iv. Adherence to policies, rules of conduct and procedures;
- v. Undertaking basic maintenance and housekeeping;
- vi. Reporting technical problems affecting the equipment to the nominated maintenance and service contractor appointed by Penrith City Council.

#### **4.3 Use of Equipment**

- 4.3.1 Authorised staff shall use or maintain all equipment in an acceptable manner at all times and shall report immediately any damage, deficiency or deformity discovered.
- 4.3.2 Equipment used for the CCTV Program shall be used in accordance with the Code of Practice and SOP.
- 4.3.3 All authorised staff will be trained in the use of all equipment in accordance with Penrith City Council's SOP for the CCTV Program.
- 4.3.4 Authorised staff shall maintain the highest level of protection and care whilst using the equipment and property and shall take all prudent and reasonable actions necessary to protect the system against deterioration, abuse, misuse, negligence, malicious damage and vandalism.

#### **4.4 Monitoring Screen**

- 4.4.1 The monitoring screen is the primary point for viewing and retrieval of footage and performing CCTV system checks.
- 4.4.2 The monitoring screen shall only be accessed and utilised by authorised staff. Access to unauthorised persons will be restricted.

#### **4.5 Equipment Operating Manuals**

- 4.5.1 Equipment operating manuals are for the use of authorised staff and maintenance staff only. The manual must not be copied or released to any third party.

#### **4.6 In Case of an Event or Criminal Incident**

- 4.6.1 In the event that an authorised staff member observes footage and/or recorded materials which are considered to be unsafe or suspicious, the staff member will:
  - i. Commence real time recording of the event (if not already being recorded in real time);
  - ii. Refer the incident as soon as possible to their supervisor;
  - iii. Notify the Police as to the circumstances of any criminal event;
  - iv. Ensure footage is secured, saved and marked appropriately in the event that it is required for legal purposes;
  - v. Complete an Incident Report Form.
- 4.6.2 For the purposes of definition, a criminal incident is one which involves, but is not limited to, one or more of the following:
  - i. An assault;



- ii. A brawl;
  - iii. All criminal events such as drug trafficking, break enter and steal offences, malicious damage to property;
  - iv. Motor Vehicle accident;
  - v. Immediate safety hazards or risks;
  - vi. Any observations of any dangerous activities undertaken by any person;
- 4.6.3 Where the authorised staff member has requested the assistance of the Police or reported a safety hazard or risk, an Incident Report is to be submitted to the Public Domain Amenity & Safety Manager (PDASM).
- 4.6.4 Incident Reports are also to be submitted where due to circumstances the authorised staff member is of the opinion that such events may be of significance or should be brought to the attention of the PDASM or their authorised representative.
- 4.6.5 When compiling Incident Reports the authorised staff member shall ensure that the exact location, time, date and relevant particulars pertaining to the event are included in the Incident Report Form.
- 4.6.6 The Incident Report is also to include the actions taken by the authorised staff member, including notification to the Police and/or other emergency authorities, if applicable.

#### **4.7 Storage & Security of CCTV Footage**

- 4.7.1 All recorded CCTV footage will be kept for a maximum of twenty-one (21) days (recording cycle). After this period, footage will be overwritten.
- 4.7.2 Each authorised officer shall complete the necessary paperwork in the CCTV footage log each time a copy is made to disk from the hard drive.
- 4.7.3 All disks of recorded CCTV footage are to be kept in a securely locked cupboard, with access restricted to authorised personnel.

#### **4.8 Release of CCTV Footage and/or Recorded Material**

- 4.8.1 Access to CCTV footage and materials will only take place in compliance with the needs of police in connection with the investigation of crime and/or if necessary for the purposes of legal proceedings.
- 4.8.2 CCTV footage and/or recorded materials shall only be released to authorised persons of the Penrith City Council or New South Wales Police Force where there is a specific requirement to verify an incident or event that has occurred.
- 4.8.3 Where any other organisation or individual makes a request for CCTV footage (either verbally or in writing) the authorised staff member shall record all particulars in relation to the request and complete an Incident Form.
- 4.8.4 All requests for CCTV footage shall be recorded in the "Request for CCTV Footage Log Book" and all relevant information completed.
- 4.8.5 A copy of the requested footage is only to be released whereby a Requisition Form has been completed and submitted by the Local Area Commander or a NSW Police Officer who has been given delegated authority by the Local Area Commander to request



CCTV footage, and approved by an authorised Council officer. Authorised Council staff are:

- i. Penrith City Council Community Safety Systems and Administration Support Officer;
- ii. Penrith City Council Community Safety Support and Administration Officer;
- iii. Penrith City Council Community Safety Coordinator;
- iv. Penrith City Council Public Domain, Amenity & Safety Manager;
- v. Penrith City Council Group Manager ~ City Presentation;
- vi. Penrith City Council General Manager.

- 4.8.6 Where a request has been made for the holding of any footage for possible evidentiary purposes has been approved, the authorised staff member shall comply ensuring that appropriate forms are completed.
- 4.8.7 Prior to release of any requested CCTV footage, the authorised staff member shall ensure that all particulars required in the Requisition Form have been included.
- 4.8.8 Completing all details, the authorised staff member shall make one (1) copy of relevant footage requested and clearly label the disk as "on hold for collection". The disk shall be securely stored.
- 4.8.9 Requests for CCTV footage must be made within twenty-one (21) days of the event/incident. Police should advise Council of an approximate timeframe that footage will be collected and of any delays in collecting the footage should they arise. A copy will be retained for Penrith City Council records.
- 4.8.10 Upon collection of requested CCTV footage, authorised staff member shall ensure that all particulars pertaining to the footage record log have been entered and the authorised person has signed for the acceptance of such footage.
- 4.8.11 Where there is insufficient information contained within the Requisition Form, the authorised staff member shall not release such CCTV footage until such information has been provided.
- 4.8.12 Where a dispute arises, the authorised staff member shall make immediate contact with either of the following:
- i. Penrith City Council Community Safety Coordinator;
  - ii. Penrith City Council Public Domain Amenity & Safety Manager; or
  - iii. Penrith City Council Group Manager ~ City Presentation.
- 4.8.13 All records will be subject to random inspection by the Audit Team (refer Section 5) and/or Council's Internal Auditor.
- 4.8.14 Where a request for CCTV footage is made by way of a formal access application under the Government Information (Public Access) Act 2009, the application will be assessed on its merits.

#### **4.9 Viewing of CCTV Footage on Control Monitor**

- 4.9.1 Viewing of CCTV footage on the control monitor is restricted to authorised staff only.
- 4.9.2 Under no circumstances are unauthorised persons allowed to view CCTV footage from the control monitor.



- 4.9.3 Prior to allowing an authorised person to view CCTV footage the staff member shall record the person(s) identity, department, contact details and reasons for viewing the footage in the CCTV record log.

#### **4.10 Release and Security of CCTV Hard Drive**

- 4.10.1 The CCTV hard drive of the CCTV system can only be released where a court subpoena has been issued on Penrith City Council.
- 4.10.2 An authorised officer from Penrith City Council will notify the PDASM that a subpoena has been received for the hard drive as a 'master copy' of CCTV footage.
- 4.10.3 The request will be recorded on a 'Request for CCTV Footage Form'.

#### **4.11 Requisition Forms**

- 4.11.1 Prior to release of any requested CCTV footage, the authorised staff member shall ensure that all particulars required in the Requisition Form have been included.
- 4.11.2 All Requisition Forms supplied requesting access to CCTV footage are to be referenced and retained.
- 4.11.3 The time and date of issue is to be included on the Requisition Form by the authorised staff member, who will also sign his/her name as being on duty at the time.

#### **4.12 Destruction of Recorded CCTV Footage**

- 4.12.1 Disks of recorded CCTV footage may only be destroyed when authorised by the PDASM, in writing.
- 4.12.2 Any CCTV footage authorised to be destroyed shall be contained within a sealed security bag and be destroyed in the presence of a authorised officer of Penrith City Council.

#### **4.13 Loss or Damage of Recorded CCTV Footage**

- 4.13.1 In the event that disks and/or records of footage become damaged or lost for whatever reason, the authorised staff member shall immediately inform the PDASM, Penrith City Council.
- 4.13.2 The authorised staff member shall, in addition to informing the PDASM, submit an Incident Report Form as soon as possible setting out all details as to the cause and nature of such damage or loss.

#### **4.14 Equipment Failure**

- 4.14.1 Where any item of CCTV equipment is found to be defective, has failed, or is not working in accordance with its intended purpose, in addition to submitting an Incident Report Form, the PDASM is to be contacted immediately, whether or not the failure is deemed to be of an urgent nature or not.
- 4.14.2 Where such failure or repair is deemed to be of an urgent nature, in the absence of the PDASM, the authorised repairer/contractor shall be contacted immediately.



#### **4.15 Maintenance of CCTV Equipment**

- 4.15.1 CCTV equipment will be maintained by the authorised contracted company. The appointed contractor will work under the direct supervision of an authorised Council Officer.
- 4.15.2 All field visits by maintenance staff must be approved in advance by an authorised Council Officer.
- 4.15.3 Staff shall never authorise the undertaking or request of work without written consent of the PDASM.
- 4.15.4 At any time that works are performed upon the system, including minor works, authorised staff are to perform a quality control check of all recording and camera equipment on completion of the works.

#### **4.16 Complaints Received by the Public**

- 4.16.1 An Incident Report Form shall be completed by staff upon receiving a complaint from a member of the public regarding any aspect of the CCTV Program.
- 4.16.2 Persons making a complaint to Council regarding the CCTV Program should be advised that they can lodge an official complaint to Council in writing.
- 4.16.3 When receiving a complaint via telephone, it is essential that relevant information is obtained, including the name, contact telephone number, address and description of the issue/incident.
- 4.16.4 Where the telephone call relates criminal or immediate safety issues, staff shall ensure that relevant authorities have been notified and that the date and time of notification is recorded.
- 4.16.5 Council will investigate all official complaints by the public in relation to the CCTV Program and will provide a timely response to all enquiries in accordance with Council policy.

### **5 AUDIT TEAM**

#### **5.1 Aims of the Audit Team**

- 5.1.1 To provide an independent overview of the CCTV Program and ensure that the system is operated in a manner, which promotes ethical use of equipment/materials to protect the privacy of the general community.
- 5.1.2 The audit team shall consist of the following persons:
  - i. Penrith City Council authorised representative;
  - ii. Penrith and St Marys Local Area Command representative of NSW Police;
  - iii. Representative (non Council/Police) from the Penrith Valley Community Safety Partnership.
- 5.1.3 The Penrith City Council representative shall chair the audit inspection.
- 5.1.4 As an absolute minimum, representatives from Penrith City Council, Penrith and St Marys Local Area Command and one (1) other representative are to attend each and every audit inspection.



- 5.1.5 Auditing of the CCTV Program shall be undertaken on an annual basis.
- 5.1.6 Each member of the audit team should be conversant with the Code of Practice and supporting Procedures relevant to the Program.
- 5.1.7 The audit inspection shall include as a minimum:
- i. Review of all requests for CCTV footage within the period;
  - ii. Review of Incident Report Forms
  - iii. Review of CCTV footage storage provisions and procedures,
  - iv. Review of CCTV footage destruction provisions,
  - v. Review of compliance with all procedures and documentation as required.
- 5.1.8 To protect the privacy of the community, no member of the Audit Committee will have the right to release information gathered as part of the audit process to any individual/organisation.
- 5.1.9 CCTV footage that is considered to breach the privacy of an individual or indicate misuse of the system is to be placed into the custody of the Public Officer of Penrith City Council.
- 5.1.10 The audit team shall provide a written report to the General Manager, Penrith City Council within twenty-one (21) days of carrying out an audit, setting out any discrepancies or deficiencies uncovered as part of the audit.
- 5.1.11 The General Manager, Penrith City Council shall, upon receiving such report, commence measures and actions as relevant to remedy such deficiencies or inadequacies and protect the privacy of the general community.
- 5.1.12 The Audit Team shall provide a written report on the operation of the CCTV system to each of the Audit Team members on an annual basis.

## **6 EVALUATION OF THE CCTV PROGRAM**

- 6.1 Penrith City Council will continuously monitor the operation of the CCTV Program and implementation of this Code of Practice, in conjunction with the NSW Police Service.
- 6.2 Penrith City Council is responsible for ensuring that the CCTV Program is meeting the aims and objectives as outlined in Section 2 of this Code of Practice.
- 6.3 Evaluation will be conducted according to independent established criteria to measure the effectiveness of the Program.
- 6.4 Evaluation of the CCTV Program will include as a minimum:
- i. Assessment of its impact upon crime;
  - ii. Assessment of its impact upon neighbouring areas;
  - iii. The views of the public on the operation of the program;
  - iv. Operation of the Code of Practice and SOPs;
  - v. Whether the purposes for which the Program was established still exist.
- 6.5 The results of the evaluation will be taken into account in the future functioning, management and operation of the Program.