



CODE OF PRACTICE

KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

Contents

1	INTRODUCTION.....	2
2	DEFINITIONS	2
3	KEY PRINCIPLES.....	4
4	KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE	5
4.1	Introduction	5
4.2	Code	5
4.3	Ownership	5
4.4	Information about the Street Surveillance System	6
4.4.1	System Information.....	6
4.4.2	Onsite Information	6
4.4.3	Further Information	6
5.	RESPONSIBILITIES OF COUNCIL	6
5.1	Responsibilities	6
5.2	Workplace Surveillance in Kiama Local Government Area	7
6	RESPONSIBILITIES OF NSWPF	7
7.	MANAGEMENT OF THE SYSTEM.....	7
7.1	Street Surveillance Sub-committee	7
7.2	Audit of the System	7
8	ACCESS TO & USE OF LIVE IMAGES BY COUNCIL & NSW POLICE	7
8.1	General viewing and Image control.....	7
8.2	Access to Live Images	8
8.3	Access to and use of Recorded Images.....	8
8.4	Confidentiality Agreement	8
8.5	Contact with Recorded Images	8
9.	STORAGE OF INFORMATION.....	8
10	ACCESS TO PERSONAL INFORMATION	9
10.1	Rights of Access to Information	9
10.2	Removal and Alteration of Personal Information.....	9
10.3	Application to access images.....	9
11	BREACHES OF THE CODE	9
11.1	Responsibility.....	9
11.2	General Complaints	10
11.3	Privacy Complaints	10

CODE OF PRACTICE

KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

1 INTRODUCTION

The Code contains the basic standards under which Kiama Municipal Council Street Surveillance will be operated.

2 DEFINITIONS

For ease of reference, a glossary of terms or definitions used in the Code is provided below:

TERM	DEFINITION
Audit	Systematic, independent, and documented verification process of objectively obtaining and evaluating audit evidence to determine whether specified criteria are met.
Authorised Personnel	Personnel acting in support of the operation of Kiama Municipal Council Street Surveillance. Authorised personnel are approved to view images on the system for the purposes of carrying out prescribed functions without formally requesting authorisation.
CCTV	Closed Circuit Television is a video system which the images generated are not publicly distributed
CCTV Policy	The Council's CCTV Policy relating to the Kiama Municipal Council Street Surveillance System
Civilian	Any individual or representative of an organization who is not a member of the NSW Police, a Responsible Officer or Authorised Person.
Code	This Code of Practice developed by the Council

Confidentiality Agreement	The Confidentiality Agreement attached to the SOPs
Council	Kiama Municipal Council
Incident – Administrative	An activity that relates to the management of the system – eg faults
Incident – Environment or Criminal	Environment Incident – earthquake, tsunami, storms or natural event Criminal – Any criminal act reported to NSWPF
Kiama Municipal Council Street Surveillance System	The Council’s CCTV system recoding images within prescribed areas of towns and villages.
MoU	The Memorandum of Understanding entered into between Council and the NSWPF in accordance with the Code
NSWPF	The NSW Police Force
Plan	The Crime Prevention Plan
Police	The NSW or Australian Federal Police
Recorded Image	An image captured and stored on a Data Drive.
SOPs	The Standard Operating Procedures

<p>The System</p>	<p>All components which form a part of the Kiama Municipal Council Street Surveillance system including but not limited to: servers, cameras, poles cameras are mounted on, data switches, monitors, and video monitoring software.</p>
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3 KEY PRINCIPLES

The Code is based on 9 Key Principles.

The key principles are:

Principle 1

The Kiama Municipal Council Street Surveillance 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.

Principle 2

The Kiama Municipal Council Street Surveillance will not limit 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

Council has primary responsibility for the maintenance, management and security of Kiama Municipal Council Street Surveillance, and the protection of the interest of the public.

Principle 4

The NSWPF are a key stakeholder of the Kiama Municipal Council Street Surveillance and agree to act in accordance with the Code.

NSWPF have entered into a MoU with the Council and have agreed to act in accordance with the Code.

Principle 5

The public will be provided with clear and easily accessible information in relation to the operation of Kiama Municipal Council Street Surveillance.

Principle 6

Images on Kiama Municipal Council Street Surveillance system will be recorded 24 Hours 7 Days, and will only be monitored by NSWPF as required.

Principle 7

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of Kiama Municipal Council Street Surveillance.

Principle 8

Access to recorded images will only be provided in accordance with Code, SOPs and CCTV Policy.

Principle 9

All contact between Council and NSW Police in relation to Kiama Municipal Council Street Surveillance will be conducted strictly in accordance with the MoU.

4 KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

4.1 Introduction

Kiama Municipal Council Street Surveillance is identified in the Council's Crime Prevention Plan as one of a number of strategies designed to assist with the promotion of community safety and crime prevention within the Kiama Local Government Area.

4.2 Code

The Code is designed to identify the principles required to maintain the privacy of people entering the areas under surveillance.

The Code is supplemented by a set of SOPs which give instructions on all aspects of the operation of the Kiama Municipal Council Street Surveillance.

The SOPs are based on the Code to ensure the principles and purposes of the Kiama Municipal Council Street Surveillance are met.

The Code is subject to state and federal law.

4.3 Ownership

The Council is the owner of the Kiama Municipal Council Street Surveillance System.

The Council retains ownership of recorded images and has copyright of images, documentation and other material pertaining to the Kiama Municipal Council Street Surveillance. These images cannot be copied or altered without permission of the Council, unless it is in accordance with the Code or MoU.

The responsibilities of the Council in relation to the Kiama Municipal Council Street Surveillance are outlined in Section 5.

4.4 Information about the Street Surveillance System

4.4.1 System Information

The following information will be made publicly available on the Council's website:

1. System description
2. A map which depicts the area under surveillance
3. A Signage scheme
4. The CCTV Policy
5. The Code of Practice

4.4.2 Onsite Information

The Council will identify and make public all areas under surveillance by erecting signage as describe in the signage schedule.

The signs shall include:

1. Identification that the area is under surveillance
2. Owner of the System being "Kiama Municipal Council"
3. Purpose
4. Directions to further information.

4.4.3 Further Information

Inquiries in relation to Kiama Municipal Council Street Surveillance and its operation can be made in writing to:

The General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

or, by telephone on (02) 4232 0444

or www.kiama.nsw.gov.au

5. RESPONSIBILITES OF COUNCIL

5.1 Responsibilities

Council is responsible for the Kiama Municipal Council Street Surveillance System.

Responsibility is limited to the images captured and the Key Principles contained within Section 3.

Council will consult with and provide information to the public about the operation of the Kiama Municipal Council Street Surveillance and about any proposed changes to Kiama Municipal Council Street Surveillance or Code.

5.2 Workplace Surveillance in Kiama Local Government Area

The Council will be compliant with the *Workplace Surveillance Act 2005* (NSW).

6 RESPONSIBILITIES OF NSWPF

NSWPF's responsibilities are in accordance with MoU between the Council and NSWPF.

The NSWPF will endorse the SOPs.

7. MANAGEMENT OF THE SYSTEM

7.1 Street Surveillance Sub-committee

The Council will have a Street Surveillance Sub-Committee reporting to the Commercial Centres and Community Safety Committee. The sub-committee shall be responsible for the ongoing monitoring and management of the Kiama Municipal Council's Street Surveillance System to ensure compliance with the Council's policies and procedures.

The Street Surveillance Sub-Committee will consist of

- The Chairman of Community Safety Committee
- A NSWPF Representative
- A Councillor
- A Community representative
- A Technical Representative

7.2 Audit of the System

Council shall appoint an independent auditor to undertake an annual audit of the Kiama Municipal Council Street Surveillance System to assess its compliance to the CCTV policy, Code, and SOPs.

The independent auditor will produce a report every 12 months on the operation and functioning of the Kiama Municipal Council Street Surveillance System. The report will be presented to the General Manager, and NSWPF.

8 ACCESS TO & USE OF LIVE IMAGES BY COUNCIL & NSW POLICE

8.1 General viewing and Image control.

The following limitations and processes shall be maintained by the Council

1. A monitor displaying captured images shall only be viewed by Authorised Personnel.
2. Images shall only be released under the following conditions,
 - (a) NSWPF request for evidence – identifying an incident and approved by the Council General Manager
 - (b) An approved formal application under the *Government Information (Public Access) Act 2009 (GIPA Act)*
 - (c) Permission by the Council under the Code.

8.2 Access to Live Images

The Council shall allow NSWPF access to live images under the conditions of the MoU.

Council Authorised Personnel shall only view live images for the purpose of maintenance.

8.3 Access to and use of Recorded Images

The Council shall allow NSWPF access to recorded images under the conditions of the MOU specifically for review.

The Council shall allow Authorised Personnel access to recorded images for:

- (a) Reviewing and identifying GIPA Act related applications
- (b) Exporting images approved under the Code
- (c) Maintenance

8.4 Confidentiality Agreement

Authorised Council staff and contractors will be required to sign the Confidentiality Agreement at Appendix 4 of the SOPs before they can access the recorded images.

Contractors will be inducted and advised in writing of their obligations in respect to compliance with the Code, NSW privacy legislation, and any other relevant law, policy or procedures.

8.5 Contact with Recorded Images

NSWPF will not be permitted to remove or obtain copies of any recorded images unless with permission of the Council and in accordance with the Code, MoU and SOPs. Any change to the arrangements will amount to a major change to the Code and must be endorsed by Council.

9. STORAGE OF INFORMATION

All recorded images on the system will be overwritten on a 28 day cycle unless a formal application is received in accordance with this Code, SOPs and the MoU.

10 ACCESS TO PERSONAL INFORMATION

10.1 Rights of Access to Information

A member of the public has the right to apply for access to personal information held by Council in the following ways:

- (a) A person can apply for the information under the *Privacy and Personal Information Protection Act 1998*. A copy of an “Application for Access to Personal or Health Information” can be obtained from Council; or
- (b) A person can apply for information under the *Government Information (Public Access) Act 2009*.

10.2 Removal and Alteration of Personal Information

A person can apply for their personal information to be altered (whether by way of corrections, deletions or additions) in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW). A copy of an “Application for Alteration of Personal Information” can be obtained from the Council.

10.3 Application to access images

Any person applying for access to their personal information will be required to specify the following details in their application:

- (a) Location information was collected from; and
- (b) Date and time information was collected.
- (c) Detailed reason for the request

11 BREACHES OF THE CODE

11.1 Responsibility

The Council will be responsible for ensuring compliance with the Code.

The Council is required to investigate any alleged breach of the Code. If a breach is found to have occurred, the Council will remedy that breach to the extent possible under the Code.

11.2 General Complaints

Complaints in relation to any aspect of the management or operation of the Street Surveillance Camera Project may be made in writing to:

The General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533
or, by telephone on (02) 4232 0444.

A copy of Council's Complaints Policy can be obtained from the Council.

11.3 Privacy Complaints

Privacy complaints in relation to Kiama Municipal Council Street Surveillance may be made to the Council in accordance with the Council's Privacy Management Plan. A copy of the Privacy Management Plan can be obtained from the Council.

Privacy complaints in relation to the Kiama Municipal Council Street Surveillance may also be made to Privacy NSW. The *Privacy and Personal Information Protection Act 1998* (NSW) authorises Privacy NSW to 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:

Privacy NSW
Locked Bag 5111
Parramatta NSW 2124
Tel: (02) 8688 8585
Fax: (02) 8688 9660
Email: privacy_nsw@agd.nsw.gov.au

Council will cooperate with the investigation of any complaint by Privacy NSW.