

# G.24 CCTV POLICY

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- CEO Chief Executive Officer
- DCCS Director Corporate & Community Services
- DES Director Engineering Services
- MFS Manager Financial Services
- MGC Manager Governance and Compliance

## 1 OBJECTIVE

Quilpie Shire Council owns Closed Circuit Television (CCTV) facilities in its local government area, in order to collect CCTV footage for lawful purposes.

## 2 SCOPE

This Policy:

- (a) sets out the lawful purposes for which CCTV facilities may be installed and CCTV footage collected;
- (b) sets out how CCTV facilities and footage may be accessed;
- (c) summarises the ways in which CCTV footage may be collected, used, disclosed, stored and disposed of; and
- (d) summarises the process for resolving complaints about the installation and use of Council's CCTV systems.

## 3 STATEMENT

### Lawful purposes

Under the *Local Government Act 2009* ("LGA"), Council has a broad power to do anything it considers necessary for the good rule and government of its local government area.

Where CCTV footage may contain personal information, Council must collect that footage for a lawful purpose in compliance with the *Information Privacy Act 2009* ("IP Act") and the Information Privacy Principles ("IPPs"), which are contained in the IP Act.

The lawful purposes for which Council may collect CCTV footage include:

- (a) to monitor and assist in the enforcement of Council's local laws and other legislation in respect of which Council has jurisdiction;
- (b) to assist law enforcement agencies such as the Queensland Police Service in obtaining evidence and prosecuting offences;
- (c) to enhance the safety and security of Council staff, the community generally and assets owned by council, state or federal governments;
- (d) to identify potential breaches:
  - i. by Council staff, guests or contractors of their respective duties and responsibilities;
  - ii. of Council's local laws or other legislation,and to gather evidence in respect of those breaches.

Council will not collect CCTV footage for unlawful or unfair purposes. Examples of unlawful or unfair purposes may include:

- (a) where the collection is not for a lawful purpose;
- (b) where the collection unduly infringes on an individual's right to privacy, and is in contravention of the IP Act;
- (c) where the CCTV installation monitors private property, without the permission of the occupier of that property.

Council will, where practicable and appropriate, install signs within the vicinity of a CCTV installation to disclose the existence of the installation (See *Appendix A* for the sign wording). Signs may not be installed where Council considers it appropriate to obtain CCTV footage covertly.

Council will ensure that any installation of CCTV facilities in its local government area is for a lawful purpose.

#### **Access to CCTV installations and footage**

Only the following entities are authorised to access Council's CCTV installations and CCTV footage:

- (a) an Authorised Person of Council, who may be one of the following:
  - i) the Chief Executive Officer; or
  - ii) a person authorised in writing by the Chief Executive Officer.
- (b) another person or entity authorised to access the information under the IP Act and the IPPs, for example a law enforcement agency such as the Queensland Police Service.

Access to CCTV installations and to CCTV footage will only be permitted by Council if that access is lawful under the IP Act and the IPPs.

#### **Disposal of CCTV footage**

CCTV footage obtained by Council is a "public record" under the *Public Records Act 2002* ("PRA").

Council, as a public authority under the PRA, must ensure that the CCTV footage is kept in accordance with the PRA.

The General Retention and Disposal Schedule ("GRDS") prepared by Queensland State Archives under the PRA specifies the relevant timeframes for keeping public records before they can be lawfully destroyed.

Council will retain CCTV footage for at least as long as the time specified by the GRDS. After that time has elapsed, Council will dispose of the CCTV footage in accordance with the PRA in its discretion.

**Dealing with complaints about CCTV systems**

In the first instance, the Chief Executive Officer will deal with complaints about Council's CCTV systems, including any complaints about unauthorised disclosures in accordance with Council's Complaint Managements Policy.

Council's Chief Executive Officer may delegate authority to deal with complaints to another officer of Council, or may refer the complaint to an appropriate third party organisation (for example, the Office of the Information Commissioner).

**4 DEFINITIONS**

Nil

**5 RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS**

Local Government Act 2009

Local Government Regulation 2012

Information Privacy Act 2009 (including the Information Privacy Principles)

IX #	Details
94362	Code of Conduct
91089	Administrative Action Complaints Policy
91583	Personal Information Privacy Policy

## Appendix A – Wording of the Sign/Notice where CCTV is installed

The Office of the Information Commissioner (OIC) is Queensland's independent statutory body established under the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld) to promote access to government-held information, and to protect people's personal information held by the public sector.

OIC provides information and assistance to support Queensland public sector agencies to comply with the law, reviews agency decisions regarding access and amendment applications, deals with privacy complaints and makes decisions on whether an agency's privacy obligations can be waived or modified in the public interest.

An 'Example notice' is recommended by the OIC on its [Camera Surveillance and Privacy](#) page as:

*"Camera surveillance operates in this area to ensure public safety and for the investigation and prosecution of criminal offences. Footage will only be accessed by persons authorised to do so. Should an incident occur, footage may be provided to the Queensland Police Service for law enforcement purposes. Your information will not be given to any other person or agency unless authorised or required by law. Enquiries may be directed to [Agency Name] by calling [agency number]."*