

# REGIONAL COUNCIL OF GOYDER

	<b>SURVEILLANCE SYSTEMS</b>	Department	Governance
		Version No:	1.0
		Adopted:	Nov-22
		Reviewed:	
		Next Review:	Nov-26
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		Responsibility:	CEO

## 1. INTRODUCTION

Council has developed this Policy to provide information and direction in relation to the use of Surveillance Systems in the workplace and to facilitate compliance with legislation.

The primary purposes for utilising Surveillance Systems is to:

- ensure the health and safety of Council's Employees, Customers, Councillors, the Community and visitors to the Region;
- to discourage and/or detect unlawful behaviour in and around Council owned or maintained property (including, where the context so requires, property under the care, control and management Council) thereby enhancing the safety and security of all people and property; and
- other applications and benefits of surveillance systems may include traffic management and assisting property access control.

The anticipated benefits include the:

- protection and safety of Council's Employees, Customers, Councillors, the Community, and visitors to the Region;
- protection and safety of Council's physical assets from theft and damage generally; and
- discouraging the occurrence of unlawful activity and increasing the chances of apprehending offenders.

## 2. SCOPE

This Policy applies to all Council employees, contractors, agency personnel, volunteers and work experience placements who are performing duties/tasks on behalf of the Council.

This Policy does not, however, affect the ability of any person to exercise powers vested in them by legislation in relation to recordings (whether visual, audio or both) in connection with investigation or enforcement action.

## 3. DEFINITIONS

- **Communication** means all forms of communication with another person(s) and includes, any verbal, written, recorded image and physical forms of communication (e.g., via video recording, telephone, radio, letter, memo, email, social-media or in person);
- **Confidential information** includes:
  - any images recorded, stored and reproduced by the Policy;
  - decision, document or discussion regarding those recorded images;
  - any matter deemed as confidential by the Management Team; and

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- any information which would breach a person's right to the protection of their personal information, property and/or image.
- **Council** means the Regional Council of Goyder;
- **Employee** and **Employees** of Council including managers, staff, contractors, agency personnel, volunteers and work experience placements who are performing duties/tasks on behalf of the Council;
- **SAPOL** means the South Australian Police (those serving Goyder region in particular)
- **SD Act** means the Surveillance Devices Act 2016 (SA)
- **Surveillance Systems** means mobile and fixed electronic image capturing equipment such as Closed Circuit Television (**CCTV**) and Surveillance Cameras and may include listening devices

### 4. SURVEILLANCE DEVICES ACT 2016 (SA)

- 4.1 The Surveillance Devices Act 2016 (SA) restricts the installation, use and maintenance of surveillance devices and the communication of information or material from these devices,
- 4.2 The SD Act differentiates between a listening device and an optical surveillance device.
- 4.3 A listening device is a device capable of being used to listen to or record a private conversation or words spoken to or by any person in private conversation (whether or not the device is also capable of operating as some other kind of surveillance device) and associated equipment (if any).
- 4.4 An optical surveillance device is a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place or activity and associated equipment (if any).
- 4.5 The SD Act prohibits the installation, use or maintenance of a listening device to overhear, record, monitor or listen to a private conversation. Exclusions apply where:
  - The parties to a conversation consent to the use of a listening device;
  - A listening device is needed to protect the lawful interests of a person;
  - The use of the device is in the public interest.
- 4.6 The SD Act prohibits the installation, use or maintenance of an optical surveillance device to overhear, record, monitor or listen to a private activity. Exclusions apply where:
  - The parties to a conversation consent to the use of an optical surveillance device;
  - A listening device is needed to protect the lawful interests of a person;
  - The use of the device is in the public interest.
- 4.7 Unless lawful interest or public interest exclusions apply, surveillance by Council may only occur with the consent of surveillance subjects. Consent may be express (verbal or written agreement) or implied (where the surveillance subject has been made aware of surveillance, i.e. by signage).
- 4.8 The SD Act prohibits the use of information or material derived from surveillance devices, except where it is used to protect the lawful interests of a person or the use is in the public interest. Employees must not use, communicate or publish information or material from a Surveillance Device in breach of the SD Act.
- 4.9 Whether the SD Act applies to any given situation will depend on the circumstances. All persons to whom this Policy applies must nevertheless be mindful that Parliament has regulated the recording of private conversations and it cannot be automatically assumed that it is lawful to make a recording and/or make use of a recording once it has been made. All personnel should seek further information from their supervisor or manager if they have any doubts.

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## 5. MANAGEMENT AND MAINTENANCE

Compliance Officers and Delegated Responsible Officers may wear body-mounted surveillance cameras in the process of engagement with members of the public. Where body-mounted surveillance cameras are worn, Compliance Officers and Delegated Responsible Officers **must seek consent** from a person who is part of a conversation or activity under surveillance. Surveillance video and audio gathered may form part of the case evidence.

Whilst Council acknowledges the basic rights of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance, it is recognised that there are particular circumstances when the oversight of those facilities is justified. In those circumstances, Council opts, in the interests of public safety and the protection of its facilities, to utilise surveillance systems as one of the means to provide that safety and protection.

## 6. AIMS

In implementing the Policy, Council Aims to:

- 6.1 enhance the security and protection of Council Employees, residents, visitors and Council's assets and facilities;
- 6.2 record evidence to support expiation proceedings by Council Compliance Officers and Delegated Responsible Officer's and to support investigations and prosecutions by SAPOL in relation to offences on Council Employees, land and facilities; and
- 6.3 assist with the management and maintenance of Council's land and facilities.

## 7. RELATIONSHIPS BETWEEN COUNCIL AND SOUTH AUSTRALIA POLICE

### 7.1 Role of SAPOL

SAPOL (Goyder region) will work with Council in the operation of the Policy by:

- advising, if necessary, in the secure handling of surveillance images;
- responding to requests from Council Compliance Officers and Delegated Responsible Officers to view, and where necessary, act upon footage showing persons engaged in unlawful activities; or
- (under South Australian law) SAPOL may, at any time, request a viewing and copy of any of Council's surveillance footage during the process of investigating alleged illegal activity.

### 7.2 Role of Council

Council will manage and maintain the Policy, inclusive of the placement of permanent surveillance notification signs, the rotational siting of the surveillance equipment, the retrieval and secure storage of the surveillance imagery, the review of the surveillance images and the expiation of fines for offences. Council will immediately notify SAPOL if there is evidence of criminal activities and provide them with a copy of the surveillance footage.

## 8. COUNCIL APPROACH

Body- mounted mobile surveillance equipment will only be worn and activated by authorised users in undertaking their delegated roles and responsibilities.

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Appropriate operating procedures will be applied to all security surveillance applications to ensure effective and ethical management of equipment and that the recorded information is appropriately maintained by authorised users, which includes SAPOL officers. All surveillance systems installed will comply with the following:

- All surveillance controls and recorders will be located in a secure area.
- Access to surveillance controllers and recorders will be limited to authorised user(s).
- All security surveillance equipment will be integrated into the Council's wider current and future electronic security network to enable effective monitoring by Council, and SAPOL where agreed.

## 9. OBLIGATION

Subject to the applicable law and noted Acts; Council undertakes to do all things reasonably necessary to manage the efficient operation of the Policy, including:

- 9.1 acquisition and installation of the necessary surveillance system equipment;
- 9.2 acquisition and installation of surveillance notification signage, in line with Council's Policies and State Legislation, at all sites where the surveillance system equipment may be sited;
- 9.3 liaising with SAPOL (Goyder Region) regarding surveillance equipment siting, recording, viewing and any actions where a possible unlawful activity has been captured on the surveillance footage;
- 9.4 the scheduled and non-scheduled maintenance of the surveillance systems, including the supply of recording materials and consumables; and
- 9.5 monitoring, evaluating, assessing and responding to the risk management issues involved with the Policy [including a bi-annual process and data security audit].

## 10. SECURITY OF INFORMATION

Council will:

- 10.1 ensure appropriate security measures are in place to protect any confidential information from unauthorised use, access, modification or disclosure;
- 10.2 ensure that any Employees authorised and/or delegated to access confidential information gathered via the Policy will not record, disclose or communicate such information to any third party except in the performance of their official functions; and
- 10.3 ensure all information gathered by the Policy eventuating in an expiation notice or criminal proceedings will be stored in Council's Records Management System and only available to persons other than the delegated Council Employees and SAPOL through the relevant process and legislation, or as directed by a legal authority

## 11. RECORDS

All records should be treated in accordance with Local Government GDS40.

## 12. REVIEW

This document shall be reviewed by Council at least every four (4) years or when there is change to legislation or aspects included in this Policy could affect the health and safety of workers.

## 13. REVIEW HISTORY

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	22.11.2022	Policy adopted - 230/22