



CODE OF PRACTICE

CCTV SURVEILLANCE SYSTEM

Adopted - 13 April 2010

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1. OVERVIEW

1.1. Key Principles

- 1.1.1. This Code of Practice contains the basic standards in accordance with which the Tamworth Regional Council's CCTV Surveillance System will be operated.
- 1.1.2. The Code of Practice is based on 15 key principles. In each section the key principle is stated, followed by further explanatory information.
- 1.1.3. The key principles are as follows:

Principle 1

The CCTV Surveillance System 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 of Practice.

Principle 2

The CCTV Surveillance System 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.

Principle 3

The public interest in the operation of the CCTV Surveillance System will be recognised by ensuring the security and integrity of operational procedures.

Principle 4

The Tamworth Regional Council has primary responsibility for compliance with the purposes and objectives of the CCTV Surveillance System, for the maintenance, management and security of the System, and the protection of the interests of the public in relation to the System.

Principle 5

As a partner to Tamworth Regional Council's CCTV Surveillance System, the NSW Police Force will act in accordance with the Code of Practice.

Principle 6

The Tamworth Regional Council will be accountable to the public for the effective operation and management of the CCTV Surveillance System.

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Tamworth Regional Council's CCTV Surveillance System.

Principle 8

Regular monitoring and evaluation of the CCTV Surveillance System will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

Principle 9

Staff employed to work in the communications room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the communications room will be restricted to qualified operating staff and their managers and the control room will be protected from unauthorised access.

Principle 11

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV Surveillance System.

Principle 12

Information will be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

Principle 13

The retention of and access to recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for 31 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

Principle 14

Contact related to the CCTV Surveillance System between Tamworth Regional Council staff and the Police, will be conducted strictly in accordance with the Code of Practice.

Principle 15

The CCTV Surveillance System will address the interests of all who may be affected by it, and not be confined to the interests of the Tamworth Regional Council or the needs of the criminal justice system.

2. PRELIMINARY INFORMATION

2.1. Introduction

- 2.1.1. It is recognised that the threat of personal violence and malicious damage to property is an important factor in any public perception that Tamworth City CBD is a dangerous area. In an effort to address these issues, Tamworth Regional Council developed its CBD Crime Prevention Strategy.
- 2.1.2. The area of the Tamworth City CBD in which the CCTV system operates can be described as the area bound by where Marius Street, Kable Avenue and Peel Street intersect with Brisbane Street.

2.2. CCTV Surveillance System

- 2.2.1. The CCTV Surveillance System comprises Tamworth Regional Council's public closed circuit television operation and is one of the initiatives that form part of the CBD Crime Prevention Strategy.
- 2.2.2. The CCTV Surveillance System is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in Tamworth City CBD. It is recognised, however, that such crime will never totally be prevented.

2.3. Code of Practice

- 2.3.1. This Code of Practice will be supplemented by a set of Communications Room Standard Operational Procedures (SOPs) giving instructions on all aspects of the operation of the System. These documents will be based on the Code of Practice, to ensure that the principles and purposes on which the CCTV Surveillance System is based are realised.
- 2.3.2. Involvement in any aspect of the System by relevant organisations or individuals will depend upon their willingness to comply with this Code of Practice and the SOPs.
- 2.3.3. This Code of Practice is subject to state and federal law.

2.4. System description

- 2.4.1. The System involves 4 cameras connected to a central location in Ray Walsh House by a wireless network. Pictures are transmitted live to observation screens in the Communications Room in Ray Walsh House and Tamworth Police Station. There will be no regular monitoring undertaken by Tamworth Police or Tamworth Regional Council staff. All images are recorded and retained for 31 days unless they are required in relation to the investigation of crime or for court proceedings. The system is directly linked with Local Area Command to ensure instant communication and enable direct monitoring in certain circumstances such as an emergency.

2.5. Camera Design

- 2.5.1. All cameras are of colour resolution, and are capable of being panned, tilted and zoomed to enable effective monitoring. Each camera is housed in a tinted environmental dome, which both protects the camera and ensures that the camera itself is not visible from street level.
- 2.5.2. State of the art technology has been used to ensure maximum resolution and picture quality. The technology used will be regularly reviewed.

2.6. Camera locations

- 2.6.1. Cameras are installed in those areas of Tamworth City CBD subject to a high incidence of crimes against the person. These locations are determined on the basis of crime statistics provided by the NSW Police Service. Environmental considerations are also taken into account.
- 2.6.2. A total of 4 cameras have been installed in the following areas:
- i) 92 Brisbane Street
 - ii) Tamworth City Pool corner of Kable Avenue and Bridge Street
 - iii) 315 Peel Street fixed on the secure taxi rank in Brisbane Street
 - iv) 315 Peel Street facing Brisbane Street

2.7. Ownership of the CCTV Surveillance System

- 2.7.1. The Tamworth Regional Council is the owner of the CCTV Surveillance System. The Tamworth Regional Council retains ownership of and has copyright on all Intellectual Property,

equipment, recorded material and documentation pertaining to the Program. The responsibilities of the Tamworth Regional Council in relation to the system are outlined in section 5.

2.8. Partners in the CCTV Surveillance System

- 2.8.1. The NSW Police Force is a partner in the Tamworth Regional Council's CCTV Surveillance System. The responsibilities of the NSW Police Force in relation to the System are outlined in section 6.

3. CHANGES TO THE CCTV SURVEILLANCE SYSTEM AND/OR THE CODE OF PRACTICE

- 3.1.1. A minor change to the CCTV Surveillance System or Code of Practice may be made with the agreement of either the Mayor or the General Manager of the Tamworth Regional Council. A minor change is a change which may be required for the purposes of adjustment of the System or clarification of the Code of Practice. For example, the replacement of one brand of video recorder with another or a change to the wording of a particular section of the Code of Practice where its meaning might otherwise be ambiguous.
- 3.1.2. A major change to the CCTV Surveillance System or to the Code of Practice will take place only after consultation with relevant interest groups and upon the agreement of the Council of the Tamworth Regional Council. 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 purposes of the system or a proposal to install further permanent cameras.
- 3.1.3. The General Manager of Tamworth Regional Council must approve temporary use of the CCTV Surveillance System for the purposes of city management during major events.

4. PURPOSE

Principle 1

The CCTV Surveillance System 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 of Practice.

Principle 2

The CCTV Surveillance System 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.

Principle 3

The public interest in the operation of the CCTV Surveillance System will be recognised by ensuring the security and integrity of operational procedures.

- 4.1.1. The objectives of the CCTV Surveillance System Program are:
- i) to reduce crime levels by deterring potential offenders;
 - ii) to reduce fear of crime;
 - iii) to assist in the detection and prosecution of offenders; and
 - iv) to help secure a safer environment for those people who live in, work in and visit Tamworth City's CBD.
- 4.1.2. It is anticipated that the CCTV Surveillance System may also be of some benefit in the management of major or special events, such as Country Music Festival. The temporary use of the CCTV Surveillance System for such purposes, including the use of temporary cameras must be approved in accordance with section 3 of this Code of Practice.
- 4.1.3. Temporary cameras may only be installed for major or special events and other crime prevention purposes.
- 4.1.4. The CCTV Surveillance System will only be used to identify crimes occurring within the area covered by the System.

5. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

Principle 4

The Tamworth Regional Council has primary responsibility for compliance with the purposes and objectives of the CCTV Surveillance System, for the maintenance, management and security of the Program and the protection of the interests of the public in relation to the System.

- 5.1.1. The Tamworth Regional Council will be responsible for the introduction and implementation of the Code of Practice and for ensuring compliance with the principles contained within the Code.
- 5.1.2. The Tamworth Regional Council will comply with the requirements for accountability set out in this Code of Practice.
- 5.1.3. The Tamworth Regional Council will consult with and provide information to the public about the operation of the CCTV Surveillance System.

6. RESPONSIBILITIES OF PARTNER TO THE SYSTEM

Principle 5

As a partner to Tamworth Regional Council's CCTV Surveillance System, the NSW Police Force agrees to act in accordance with the Code of Practice.

- 6.1.1. Incidents that may involve or lead to a crime against the person or other serious threat to public safety, or other serious criminal offence, will be reported to an arranged police contact. The police will assess the situation and determine an appropriate response to the incident.
- 6.1.2. It is the responsibility of the NSW Police Force to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.
- 6.1.3. The NSW Police Force will develop its own operational procedures in relation to the CCTV Surveillance System to complement those developed by Tamworth Regional Council.
- 6.1.4. A Memorandum of Understanding in relation to the CCTV Surveillance System will be entered into both by Tamworth Regional Council and the NSW Police Force outlining the respective roles of both parties. The Memorandum of Understanding and any variations to it, are to be approved by both the Mayor and General Manager, and are to be circulated to Councillors.

7. ACCOUNTABILITY

Principle 6

Tamworth Regional Council will be accountable to the public for the effective operation and management of the CCTV Surveillance System.

- 7.1.1. Tamworth Regional Council will be responsible for periodic review of the CCTV Surveillance System including the Code of Practice and Performance of Surveillance equipment:
- i) to identify and report on any deviations from the Code of Practice or Standard Operating Procedures ("SOPs") that come to notice during audit; and
 - ii) to recommend action that will safeguard the System from abuse.
- 7.1.2. A report every 12 months on the operation and functioning of Tamworth Regional Council's CCTV Surveillance System will be presented to the Police and Council.
- 7.1.3. Both the Mayor and the General Manager, independently, have an unfettered right of inspection of all facilities associated with external CCTV monitoring, including files and registers, but not including viewing of the video tapes unless both are present. All such access shall be recorded in the register, including the identity of accompanying persons.

8. PUBLIC INFORMATION

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of Tamworth Regional Council's CCTV Surveillance System.

8.1.1. 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; and
- iii) identify Tamworth Regional Council as the owner of the system.

8.1.2. Copies of the Code of Practice will be made available to the public. The availability of the Code of Practice will be publicised in connection with any publicity arranged for the CCTV Surveillance System.

8.1.3. Inquiries in relation to the Tamworth Regional Council's CCTV Surveillance System and its operation can be made in writing to:

The General Manager
Tamworth Regional Council
Box 555
TAMWORTH NSW 2340

or, alternatively, can be made by telephone on (02) 6767 5555

or, e-mail www.tamworth.nsw.gov.au

9. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

Principle 8

Regular monitoring and evaluation of the CCTV Surveillance System will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

- 9.1.1. In consultation with the NSW Police Force, Tamworth Regional Council will regularly monitor the operation of the CCTV Surveillance System and implementation of the Code of Practice.
- 9.1.2. The Tamworth Regional Council is responsible for ensuring that the CCTV Surveillance System is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.
- 9.1.3. Evaluation will be carried out according to established criteria.
- 9.1.4. Evaluation of the CCTV Surveillance System will include as a minimum:
 - i) assessment of its impact upon crime;
 - ii) assessment of its impact on neighbouring areas;
 - iii) the views of the public on the operation of the System;
 - iv) operation of the Code of Practice and SOPs; and
 - v) whether the purposes for which the System was established still exist.
- 9.1.5. The results of evaluation will be taken into account in the future functioning, management and operation of the System.

10. MANAGEMENT OF THE COMMUNICATIONS ROOM

Principle 9

Staff employed to work in the CCTV Surveillance System communications room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the CCTV Surveillance System communications room will be restricted to qualified operating staff and their managers and the communications room will be protected from unauthorised access.

- 10.1.1. A set of SOPs will be developed for communications room staff.
- 10.1.2. Tamworth Regional Council staff employed to work on the CCTV Surveillance System or in the communications room, whether they be operators or managers, when doing so will be subject to the Tamworth Regional Council Code of Conduct.
- 10.1.3. The Tamworth Regional Council Code of Conduct provides for disciplinary proceedings in the event of any breach of the CCTV Surveillance System Code of Practice, SOPs and the Council's own Code of Conduct.
- 10.1.4. Procedures will be put in place to ensure that access to the communications room is restricted to operating staff and their managers and that the communications room is protected from unauthorised access.
- 10.1.5. The circumstances in which police or other visitors are able to access the communications room will be carefully controlled and outlined in the SOPs.
- 10.1.6. Access to the operation of equipment will be limited to Tamworth Regional Council staff with that responsibility.

11. CONTROL AND OPERATION OF CAMERAS

Principle 11

Information recorded should be accurate, relevant and not exceed that necessary to fulfil the purposes of the Program.

Principle 12

Information should be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

- 11.1.1. The locations of cameras will be apparent to the public.
- 11.1.2. All use of cameras will accord with the purposes of the CCTV Surveillance System as outlined in the Code of Practice and SOPs.
- 11.1.3. Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime.
- 11.1.4. No sound will be recorded in public places.
- 11.1.5. 'Dummy' cameras will not be used.
- 11.1.6. Operators of camera equipment will act in accordance with the highest standards of probity.
- 11.1.7. Only staff with responsibility for using the equipment will have access to operating controls.

12. RECORDED MATERIAL

Principle 13

The retention of, and access to, recorded material will be only for the purposes provided for by the Code of Practice. Recorded material will be retained for 31 days unless they are required in relation to the investigation of crime or for court proceedings. They will then be erased, taped over, or destroyed.

- 12.1.1. Access to and use of videotaped material and photographs will only take place:
- i) in compliance with the needs of Council and police in connection with the investigation of crime; or
 - ii) if necessary for the purposes of legal proceedings;
 - iii) in compliance with the Government Information (Public Access) Act 2009.
- 12.1.2. Recorded material will not be sold or used for commercial purposes or the provision of entertainment.
- 12.1.3. The showing of recorded material to the public will be allowed only in accordance with the needs of the Council and police in connection with the investigation of crime or in any other circumstances provided by law. Any such action must be formally approved by the Police.
- 12.1.4. Use of recorded material by the media should only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation. Subject to the concurrence of the Police, the General Manager may approve such releases after consultation with the Mayor. In such cases the recognisable characteristics of other people in the footage shall be obscured.
- 12.1.5. Images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Tamworth Regional Council's CCTV Surveillance System.
- 12.1.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

- 12.1.7. Recorded material will be treated according to defined procedures to ensure continuity of evidence.

13. CONTACT WITH POLICE

Principle 14

Contact related to the CCTV Surveillance System between Tamworth Regional Council staff and the Police will be conducted strictly in accordance with the Code of Practice.

- 13.1.1. Police officers will not be permitted to remove any recorded material or operate video equipment or have contact with any videotape or photograph at any time unless under the terms of this Code of Practice or SOPs or subject to the execution of a search warrant or other relevant legal process.
- 13.1.2. Any change in existing arrangements for police contact with and use of the system will amount to a major change to the Code of Practice and must be agreed to in accordance with the Code of Practice before being implemented.

14. BREACHES OF THE CODE

Principle 15

The CCTV Surveillance System must address the interests of all who may be affected by it, and not be confined to the interests of Tamworth Regional Council or the needs of the criminal justice system.

- 14.1.1. Prime responsibility for ensuring the Code of Practice is adhered to rests with the Tamworth Regional Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Tamworth Regional Council's power to remedy.
- 14.1.2. Complaints in relation to any aspect of the management or operation of the system or the behaviour or conduct of Council staff may be made in writing to:

The General Manager
Tamworth Regional Council
GPO Box 555
TAMWORTH NSW 2340

or by telephone on (02) 6767 5555

Complaint Handling

The procedure and steps for handling complaints shall be as follows:-

1. All complaints are to be in writing and to be addressed to the General Manager, Tamworth Regional Council.
2. A complaint regarding the conduct of a Police Officer/s in relation to the operation of the safety cameras shall be referred, in the first instance to the appropriate Section of the NSW Police Force or authority charged with the responsibility for investigating complaints against Police Officers, for investigation.

The Privacy and Personal Information Protection 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. 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

- 14.1.3. Tamworth Regional Council will cooperate with the investigation of any complaint by Privacy NSW.