

	<i>Council Use of Optical Surveillance Device (OSD) - Fixed and Mobile Cameras Policy</i> <i>Policy No. ADMPOL 09</i>	Version No:	2
		Responsible Officer/s:	Director – Corporate and Community
		Classification:	Council
		Issued:	21 January 2019
		Next Review:	September 2029

1. Purpose

Effective Optical Surveillance Device (OSD) systems provide a key monitoring and management tool to assist Council.

The primary purposes for utilising Optical Surveillance Device (OSD), including in-vehicle cameras, Closed Circuit Television CCTV systems and Body Worn Cameras (BWC) are:

- to enhance the security and safety of Council staff, the community and visitors to the Council area;
- to discourage and detect the incidence of unlawful activity and/or inappropriate behaviour in and around property under the care, control and management of Council thereby enhancing the safety and security for all people and property;

to minimise the risk of theft and damage to Council physical assets.

2. Scope

This Policy outlines the intended process for public notification, information management and access to and retention of recordings, in relation to Council owned OSD recordings.

3. Definitions

Australian Standards

The “standards” documents published by Standards Australia which set out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform as intended to

Body Worn Camera (BWC)

A camera designed to be worn/affixed by a person to make audio and/or video recording device

Closed Circuit Television (CCTV)

A closed circuit television system used for video surveillance and involves the use of cameras (fixed or otherwise) to record data whether or not those cameras transmit recordings to an external device or monitor(s).

General Disposal Schedule (GDS)

A systematic listing of records created by a local government organisation. The GDS includes retention periods that are to be applied to official records.

Information Management

The collection and management of captured CCTV recordings and information.

Law Enforcement Agencies (LEA)

Key law enforcement & related agencies in South Australia not limited to but

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Officers

including South Australia Police (SAPOL), and Australian Federal Police.

Members of staff with the responsibility of managing, monitoring and/or extracting CTTV recordings

Official Record

A written, graphic, disk, tape, film or other object that contains information made or received by Council in the conduct of its business or, from which information may be reproduced (with or without the aid of another object or device)

Optical Surveillance Device

(OSD) A surveillance device operated and maintained by Council (or a Council officer) and includes, but is not limited to,

a) a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place or activity; and

(b) associated equipment (if any).

4. Policy

4.1. Introduction

Council acknowledges the desire of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance, however Council also recognises that there are particular circumstances when the judicious oversight of those facilities is appropriate. Where deemed appropriate, Council has decided in the interest of safety and the protection of its facilities, to utilise OSD, primarily CCTV BWC systems as mechanisms to enhance that safety and protection.

Council will manage and maintain the OSD systems via the following:

- the placement of permanent surveillance notification signs;
- the installation and operation of OSD system equipment including cameras where required;
- the wearing of BWC by Community Rangers;
- the retrieval and secure storage of the OSD camera vision;
- oversight of the review of the OSD camera vision.

- 4.2.** The immediate notification to the appropriate LEA of any reasonable suspicion and/or evidence of alleged criminal activities, with a copy of the OSD camera vision provided to the LEA.

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4.3. Legislative Requirements

The recorded vision from a OSD system is defined as an official Council record under the *State Records Act 1997* and as such, its storage and disposal is governed by the General Disposal Schedules.

Council operates OSD systems with respect for individual's privacy and their right to engage in lawful activities.

Council will not disclose personal information for any purpose that is unrelated, incidental, or not connected to its original collection purpose unless one of the following applies:

- the disclosure is required by law;
- the disclosure is necessary for the investigation or enforcement of the law.

4.4. Retention and Disposal

4.4.1. Closed Circuit Television (CCTV)

CCTV footage and records relating to the operation of the CCTV systems are outlined in GDS. All footage from fixed, mobile CCTV will be kept for a minimum period of thirty one days, after which the device will be reset to record over the previous month's footage.

4.4.2 Other OSD Systems

footage and records relating to the operation of other Council managed OSD systems will be stored in accordance with the manufacturers specifications.

4.4.3 General Considerations

In the instance whereby footage is used to investigate and/or document specific or significant incidents, Council will retain the footage for longer periods where necessary, pending conclusion of the matter. To protect the confidentiality of these records, these recordings are to be stored separately in a secure location, and will be clearly labelled.

Records relating to minor breaches of security or incidents not resulting in charges being laid nor where sabotage is strongly suspected, are temporary records and must be retained for a minimum period of 6 years after the last entry and then destroyed.

Records relating to breaches of security or incidents resulting in charges being laid or where sabotage is strongly suspected are Permanent Records and must be maintained in accordance with GDS e.g. break-ins, intrusion to restricted areas, terrorism, bomb threats, intentional damage, fires, records of investigations, liaison with law enforcement agencies.

Where footage has been provided to a third party (e.g. LEA), it is the third party's responsibility to retain the record of the footage in accordance with the Disposal Authority that covers their agency's functional responsibilities.

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4.5. Security of Information

Council will:

- facilitate appropriate security measures to protect any confidential information from unauthorised use, access, modification or disclosure;
- effectively manage access to confidential information gathered via the OSD systems, including any recording, disclosure or communication of such information to any third party;
- securely store all information gathered by the OSD systems eventuating in expiation notices or criminal proceedings: and
- provide information only to persons, other than authorised Council Employees and law enforcement agencies, through *Freedom of Information Act 1991* (SA) (**FOI Act**) processes or as directed by a legal authority.

4.6. Access to CCTV and BWC Recordings

4.6.1. Law Enforcement Agencies

In the event that access to the camera vision is requested by LEA (in writing for the purpose of conducting an investigation into possible criminal activity, Council will provide access to or provide a copy of the vision as requested, as soon as practicable after receiving the request.

In providing the camera vision, Council will include a covering letter stating that the vision is provided for the purpose of assisting in an investigation of the specific offence and not for any other purpose.

4.6.2. Public Access to Recordings

Members of the public can apply to view any official records kept by the Council. As the recordings from OSD systems are an official record, access to these recordings is to be requested through the Freedom of Information (**FOI**) process under the *Freedom of Information Act* (FOI Act).

Any application received under the FOI Act is determined by an accredited Freedom of Information Officer. If the application is approved, the applicant may then view the recording at the principal office of Council, or obtain a copy of the requested recording, within a timeframe that is reasonable and appropriate.

If viewing at the Council Office, an accredited Freedom of Information Officer or CEO (or their delegate) will attend to facilitate the process.

4.6.3. Elected Member Access to Recordings

Section 61(1) of the *Local Government Act 1999* provides that a member of the Council is entitled at any reasonable time, in the connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant Council document.

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Section 61(2) of the *Local Government Act 1999* requires any request for access to be directed to the CEO of the Council, or such other officers as the CEO has specified.

If the application is approved, the Elected Member may then view the recording at the Council Office.

If viewing at the Council Office, an accredited Freedom of Information Officer, or CEO (or their delegate), will attend to facilitate the process.

4.6.4 By the Media

The Council views the rights of the media to gain access to OSD recordings to be the same as that of a member of the public. That is, an application will need to be made under the FOI Act and the provisions of that Act will apply.

4.6.5 Staff and Investigative Access to Recordings

Any staff request to access OSD recordings for administrative purposes must be directed to the CEO (or their delegate).

Any investigative requests by the LEA, the Ombudsman or the Independent Commissioner against Corruption into possible criminal or corrupt activity must be directed to the CEO (or their delegate).

In the event that access to a OSD recording is requested by any of these agencies for the purpose of conducting an investigation into possible criminal activity, Council will provide access to, or a copy of, the recording as requested, as soon as practicable after receiving the request.

4.6.6 Live View - Council Employees

Council employees on duty in areas where OSD live view cameras are operational are authorised to monitor live camera feeds solely for legitimate Council business purposes. Access must be undertaken in a matter that respects legislative privacy and confidentiality obligations.

Live stream displays should not be placed in an area where they are visible from public areas of the facility, or where members of the public would reasonably be expected to conduct business with Council.

4.7. **Public notification**

Council will clearly display signs at key entry points to inform visitors to the Council facilities that CCTV cameras are in operation within that area.

Mobile security cameras may be placed in strategic positions where there has been, or is likely to be criminal activity such as illegal dumping of litter. These cameras are designed to be hidden and will not have any signage advising of their presence.

At the commencement of any recording on a BWC, the user must verbally announce as to why the recording has been activated. The announcement should include, where practical:

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5. Responsibilities

The applicable manager will be responsible for the management and maintenance of any OSD system (s) located on Council property. Maintenance and installation of OSD systems will be undertaken by an appropriately qualified technician or security person.

All persons involved in the operation of the systems are to exercise care to prevent improper disclosure of material.

The recordings collected by the OSD will be managed by the Director – Corporate and Community and kept on-site in a secure area and destroyed in accordance with the requirements of the *State Records Act 1997*.

6. References / Other Documents

6.1. Legislation

Freedom of Information Act 1991 (SA)

Listening and Surveillances Act 2016 (SA)

Local Government Act 1999 (SA)

State Records Act 1997 SA

6.2. Council Policies / Procedures/Other Documents

General Disposal Schedules No. 21 Version 5

General Disposal Schedules 40 Version 1

GOVPOL 08 – Access to Information by Elected Members Policy

GOVPOL 13 – Privacy Policy

7. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	21 January 2019	19005.2
Reviewed	4 March 2019	19028.3.3
Minor formatting amendments	4 May 2020	Governance Officer
Reviewed	11 April 2026	
Reviewed – Adopted by Council	18 May 2026	Resolution 26114