



BYRON SHIRE COUNCIL

Community Safety Camera Program Code of Practice

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1. INTRODUCTION

Byron Shire Council (**Council**) is committed to partnering with the Byron Shire community and law enforcement agencies to prevent crime.

As part of Council's commitment, on 4 September 2014 it was awarded \$200,000 by the Australian Government to assist with the installation of closed circuit television cameras (**CCTV**) in Byron Bay's town centre.

It is recognised that CCTV cannot prevent all crime. However, CCTV can assist in preventing crime and enhancing the use of public space by all members of the Byron Shire community.

Council's Community Safety Camera Program (the **CSCP**) is one of several initiatives designed to facilitate greater community safety by preventing crime in the Byron Bay town centre. The CSCP assists Council, the Byron Shire community and the NSW Police to work together to help provide safer public spaces and prevent crime levels by deterring potential offenders.

2. CSCP PURPOSE and OBJECTIVES

Under the *Local Government Act 1993* (NSW) section 24, Council is able to provide goods, services and facilities, and carry out activities, appropriate to the current and future needs of the Byron Shire community and of the wider public, subject to the law.

Assistance with crime prevention is one of Byron Shire Council's functions. Because of this, the CSCP's primary purpose is to assist in the prevention of crimes against the person, including, but not limited to, assault-related offences.

Given the CSCP's purpose, its objectives are to:

- Reduce crime levels by deterring potential offenders.
- Reduce fear of crime and build community confidence in the safety of the Byron Bay town centre.
- Assist Police in the detection and prosecution of offenders.
- Help secure a safer environment for community members who live in, work at, and visit the Byron Bay town centre.

3. CODE OF PRACTICE

Along with its commitment to making Byron Bay a safe place for residents and about 1.5 million annual visitors, Council is also committed to protecting community members' privacy.

Council takes its obligations under the *Privacy and Personal Information Act 1998* (NSW) (the **Act**) very seriously. This Code is designed to ensure Council's CSCP complies with the Act regarding the collection, management and use of 'personal information' (as defined by the Act section 4(1)).

As a result, this Code of Practice (the **Code**) contains the standards by which the CSCP will operate. The Code is underpinned by the guiding principles set out at Schedule 1.

4. NSW GOVERNMENT POLICY STATEMENT ON CCTV

In devising this Code, Council has considered the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Spaces (2000) (the **Policy**).

This consideration is evidenced by the Code referring to those matters listed at Schedule 1.

5. STANDARD OPERATING PROCEDURES

The Code is supplemented by a set of Standard Operating Procedures (**SOPs**) which give instructions on the CSCP's day to day operation.

The SOPs are set out at Schedule 2.

6. ROLES AND RESPONSIBILITIES

6.1 Council

Council is the owner of the CSCP.

Council is responsible for implementing the Code as part of its broader community safety program.

Council's primary responsibilities under the Code are to:

- Securely store footage collected under the CSCP.
- Respond to valid requests for footage collected under the CSCP.

6.2 NSW Police

NSW Police Tweed-Byron Local Area Command (**NSW Police**) is Council's primary partner in the CSCP.

NSW Police will be the primary user of footage collected by the CSCP.

NSW Police have entered into a Memorandum of Understanding (**MoU**) with Council setting out each party's roles and responsibilities regarding the CSCP.

6.3 Byron Bay Taxis and Limousines

Byron Bay Taxis and Limousines (**BBTL**) is a secondary partner in the CSCP.

BBTL will enter into a MoU with Council setting out each party's roles and responsibilities regarding the CSCP.

7. OPERATIONAL INFORMATION

7.1 Camera location

The CSCP incorporates 29 Axis HD IP cameras at the following locations within the Byron Bay town centre:

- Apex Park – cameras 1 to 5.
- Corner of Jonson and Bay Streets – cameras 6 to 8.
- The Balcony, Jonson Street – cameras 9 to 13.
- Taxi rank, Jonson Street – cameras 14 to 20.
- Corner of Jonson and Byron Streets – cameras 21 and 22.
- Railway Park – cameras 23 to 26.
- Transit centre, Jonson Street – cameras 27 to 29.

These locations have been selected by Council based on an analysis of crime statistics provided by the NSW Police. The camera locations are subject to change based on consultation with NSW Police. Council will notify the public of any proposed location change prior to implementation.

The cameras are connected to the Genetec Omnicast Video Management System.

7.2 System description

The cameras operate on a 24 hour basis.

The cameras do not record sound.

The cameras transmit footage by a wireless network to the Byron Bay Police Station and Council's administration building. Footage captured by cameras 14 to 19 will also be transmitted to BBTL at 20 Acacia St Byron Bay.

Cameras will not be used to look into adjacent or nearby premises or buildings.

Only NSW Police will monitor the live footage from each camera installed as part of the CSCP. BBTL will only be able to monitor footage from cameras 14 to 19 that capture footage of the Byron Bay taxi rank.

Both the Police and BBTL will be able to review camera footage displayed at their respective sites. Only Council's nominated employees or contractors will be allowed to record and distribute footage.

7.3 Authorised operation

Council staff or contractors authorised to retrieve and provide recorded footage or personal information will be restricted to the minimum number necessary to ensure timely response to requests by the NSW Police and the wider public.

Staff members will receive appropriate training to ensure compliance with the Act.

7.4 Monitoring and Recording

7.4.1 Monitoring Points

Monitoring Points will be securely located in the Byron Bay Police Station and at BBTL at 20 Acacia St Byron Bay.

Monitoring Points will be located in areas that are not publicly accessible.

7.4.2 Recording Equipment

The Recording Equipment forms part of the infrastructure associated with the operation of the CSCP system.

Access to the Recording Equipment will be restricted to authorised Council staff and contractors.

7.5 Storage and release

All recorded CSCP footage will be kept for a maximum of 30 days (**Recording Cycle**). After this period, footage will be deleted.

All NSW Police and individual requests for footage will be registered by authorised Council staff. All copies of recorded CSCP footage will be securely stored by Council staff until collection by the request recipient.

All recorded CSCP footage will be kept for a maximum of 30 days (**Recording Cycle**). After this period, footage will be deleted.

Access to and use of recorded material will be facilitated by Council and will only take place:

- i. in compliance with the needs of the Police in connection with their functions relevant to the CSCP's purposes; or
- ii. in compliance with process issued in respect of commenced legal proceedings; or
- iii. other lawful requirement

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* (PPIPA Act) 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* (GIPA Act).

The display of recorded material to the public will only be allowed where there is a demonstrated overriding public interest for disclosure or in any other circumstances provided by the law.

Police are required to make applications using the appropriate application form as per the Standard Operating Procedures. All other requests (save those in compliance with process issued in respect of commenced legal proceedings) will be considered under a Formal Access Application under the *GIPA Act*.

Where display of recorded material occurs the personal information of other people in the footage will be obscured.

8. TRANSPARENCY

8.1 Camera signage

Clearly visible signs that CSCP cameras are operating will be displayed at each camera location. These signs will:

- Inform the public that cameras are in operation 24 hours a day for the purposes of crime prevention and community safety.
- Identify Council as the owner of the system and provide contact details for further information, inquiries, access or complaints.
- Stipulate that the cameras operate in accordance with the Act.
- Detail who has access to camera footage.

8.2 Public awareness

CSCP information will be available via Council's website and through other communication strategies utilised by Council.

9. COMPLAINTS and BREACHES

9.1 Complaints

9.1.1 General complaints

Complaints and inquiries in relation to any aspect of the Code and CSCP operations may be made in writing to:

The General Manager
Byron Shire Council
70-90 Station St
MULLUMBIMBY 2482

Complaints can also be submitted by email to council@byron.nsw.gov.au, or by telephone on (02) 6626 7000.

Complaints to Council will be assessed in accordance with Council's Complaints Management Policy.

Media inquiries will be dealt with by Council's Media Communications Officer.

9.1.2 Privacy complaints

In addition to complaining to Council, the Act provides that complaints about privacy violations by the CSCP can be made to the Privacy Commissioner.

The Privacy Commissioner can be contacted at:

Information and Privacy Commission
GPO Box 7011
Sydney NSW 2001

Telephone: 1800 472 679
Fax: (02) 8114 3756
Email: ipcinfo@ipc.nsw.gov.au

9.2 Breaches

Council is responsible for investigating Code breaches made to it. Where a breach has occurred, Council will remedy it to the extent possible under the Code.

A Code breach by Council staff will be dealt with in accordance with any relevant industrial instrument and Council policies, including the Code of Conduct.

10. REVIEW and EVALUATION

10.1 Compliance Audit

An audit will be conducted six months after CSCP starts, and every twelve months thereafter, to ensure the CSCP is implemented in accordance with this Code.

A panel including authorised representatives of Byron Shire Council and Tweed-Byron Police Command will conduct the review. Council members of the panel will not be involved in the day to day management of the Code.

The audit will review:

- All requests for CSCP footage within the period.
- All incident report forms completed during the period.
- CSCP footage storage provisions and procedures.
- CSCP footage deletion and destruction provisions and compliance.
- Code compliance.
- Any changes to the Code.

The audit team shall provide a written report of its findings to the General Manager within 28 days of carrying out an audit.

Upon receiving the CSCP audit, the General Manager shall take necessary action to remedy any deficiencies or inadequacies identified in the CSCP and provide a report to Council regarding such action.

10.2 Evaluation of CSCP outcomes

Council and NSW Police will evaluate CSCP outcomes six months after its commencement and every twelve months thereafter. The evaluation will assess:

- The CSCP's impact upon crime rates and prosecutions.
- Any impact upon neighbouring areas.
- Public views of the CSCP.
- Whether the CSCP's objectives are being achieved.

The evaluation will be provided to Council.

11. CODE CHANGES

A minor change to the CSCP or Code may be made with the agreement of the General Manager.

An example of a minor change is the replacement of one brand of video recorder with another or a change to the wording of a particular section of the Code where its meaning might otherwise be ambiguous.

A major change is any change that will have a significant impact upon the operation of the CSCP or the Code.

An example of a major change is a change to the purposes of the system or a proposal to install further permanent cameras.

A major change to the Code can only be made after consultation with relevant stakeholders and after Council resolution.

12. DICTIONARY

CSCP Council's Community Safety Camera Program in the Byron Bay town centre

Code this Code of Practice

Council Byron Shire Council

Recording Equipment the facility within the CSCP associated infrastructure that records and stores all footage recorded by the CSCP

Monitoring Points the respective areas of Council, Byron Bay Police Station and BBTL where CSCP footage can be viewed

Schedule 1 – GUIDING PRINCIPLES

1. The CSCP will be operated lawfully, fairly, transparently, and only for the purposes for which it is established.
2. The CSCP will respect the privacy and civil liberties of Byron Shire residents and visitors by:
 - a. Only taking footage of public places in the Byron Bay town centre.
 - b. Limiting the number of Council staff and NSW Police and BBTL who can access CSCP footage.
 - c. Providing footage of an individual when requested.
3. Clear and easily accessible information about the CSCP's operation will be available to any interested person.
4. The CSCP will be regularly reviewed to identify whether its aims and objectives are being achieved.

Schedule 2 STANDARD OPERATION PROCEDURES

1. Introduction

The Standard Operating Procedures (SOPs) provide information about the day to day management of the Code.

2. Equipment usage

The Monitoring Points enable Police and BBTL to view live images generated by the cameras.

NSW Police and BBTL will not control the operation of the cameras except for the selection of individual cameras for viewing purposes.

3. Access to recorded material

Council will be solely responsible for allowing access to recorded material in accordance with the Code.

Recordings will be made to the CSCP associated infrastructure and may be transferred to another medium when the images are lawfully requested by the NSW Police or member of the public and authorised for release by Council.

Police requests must be submitted using the form at Appendix 1 of these procedures..

Any application, by the Police, for recorded images must be made by a sworn Officer of the NSW Police Force.

All access to footage provided by Council will be registered.

4. Use of recorded material

4.1 Release and security of CSCP hard drive

The Recording Equipment can only be released where a court subpoena has been served on Council. The details of any such subpoena must be entered into Council's Subpoena Register.

4.2 Destruction of recorded CSCP footage

Copies of recorded CSCP footage may only be deleted or destroyed when authorised by Council's Records Coordinator.

4.3 Loss or damage of recorded CSCP Footage

In the event that copies and/or records of footage become damaged or lost, an authorised Council staff member shall immediately inform the General Manager or the Director Infrastructure Services and submit an incident report form, setting out details of such damage or loss.

5. Equipment maintenance

5.1 Maintenance of CSCP equipment

CSCP equipment will be maintained by an authorised contracted company. The appointed contractor will work under the direct supervision of an authorised member of Council staff. All field visits by maintenance staff must be approved in advance and in writing by an authorised member of Council staff.

At any time that works are performed upon the system, including minor works, authorised members of Council staff are to perform a quality control check of all recording and camera equipment on completion of the works.

5.2 Equipment failure

If any item of CSCP equipment is found to be defective the Director Infrastructure Services or his delegate is to be contacted immediately. If the defect is deemed urgent, the authorised contractor shall be contacted immediately by the Director Infrastructure Services or his delegate.

6. Record keeping

Records supplied to third parties under the Code will be retained in accordance with the *State Records Act 1998* (NSW) and Council's records keeping policy and procedures.

7. Confidentiality

Any Council staff or contractors involved in any of the processes described in the Code will be required to sign a confidentiality document at Appendix 2 stating that they will not disclose to any person or organisation, unless otherwise lawfully directed to do so, any information about any image observed.

APPENDIX 1

REQUEST FOR A COPY OF RECORDED MATERIAL FROM BYRON SHIRE COUNCIL SAFETY CAMERAS



BYRON SHIRE COUNCIL
Community Safety Camera Program

BYRON BAY POLICE
TWEED/BYRON LAC



NSW Police Force

REQUEST FOR CCTV FOOTAGE

COPs EVENT.....

TIME & DATE.....

LOCATION.....

DESCRIPTION OF INCIDENT.....

.....

.....

REQUESTING OFFICER:.....

CONTACT.....

URGENCY URGENT

 MODERATE

 ROUTINE

DATE OF REQUEST.....



APPENDIX 2

CONFIDENTIALITY AGREEMENT – OPERATION OF CCTV CAMERAS

I an employee of
(Full Name Printed)

.....:
(Print Name of Employer/Organisation)

1. will not disclose, unless lawfully directed or as a bona fide part of my employment, any matter or information which comes to my knowledge in relation to or emanating from the operation of the CCTV cameras owned by Byron Shire Council.
2. acknowledge that this agreement is not limited to my current period of employment or to any time limit period.
3. understand that failure to observe this confidentiality may result in legal action being taken against me and/or employment disciplinary action.

.....
(Signed) (Date)

.....
(Witness) (Date)

APPENDIX 3

REGISTER OF ACCESS TO SAFETY CAMERA FOOTAGE

REGISTER OF ACCESS TO CSCP FOOTAGE TYPE OF APPLICATION (POLICE, S 12 GIPA)	DATE & SCOPE OF APPLICATION & DETAILS OF PERSON/ORGANISATION APPLYING	PERIOD, DATE & TIME OF RECORDED IMAGES REQUESTED	DATE AND TIME CD/USB CREATED	PERSON WHO COPIED IMAGES TO CD/USB	DATE CD/USB PROVIDED TO APPLICANT	TRIM REFERENCE FOR COPY OF CD/USB
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