



# CLOSED CIRCUIT TELEVISION (CCTV) POLICY

## 1. POLICY PURPOSE

McKinlay Shire Council (“**Council**”) owns closed circuit television (“**CCTV**”) facilities in its local government area, in order to collect CCTV footage for lawful purposes.

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.

## 2. SCOPE

This policy applies to the whole of the McKinlay Shire where CCTV is installed.

## POLICY STATEMENT

### 3. Lawful Purposes

**3.1** 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.

**3.2** 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.

**3.3** 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 Council assets.

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**3.4** 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.

**3.5** Council will, where practicable and appropriate, install signs within the vicinity of a CCTV installation to disclose the existence of the installation. Signs may not be installed where Council considers it appropriate to obtain CCTV footage covertly.

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

#### **4. Access to CCTV Installations and Footage**

**4.1** 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) a person or entity that is authorised by an Authorised Person. This may include a contractor engaged to operate and manage the CCTV facilities;
- (c) 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.

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

## **5. Disposal of CCTV Footage**

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

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

**5.3** 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.

**5.4** 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.

## **6. Dealing with Complaints about CCTV Systems**

**6.1** 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.

**6.2** 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).

## **7. PROCEDURE**

This Policy has been prepared by reference to, and should be read along with:

- (a) Council’s Code of Conduct;
- (b) Council’s Complaints Management Policy;
- (c) Council’s Information Privacy Policy;
- (d) the *Local Government Act 2009* and *Local Government Regulation 2012*;
- (e) the *Information Privacy Act 2009* and the Information Privacy Principles.

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## 8. REVISION HISTORY

Version	Adopted Date	Policy Title	Responsible Officer	Authorised By	Next Review Date
1	16 July 2019	Closed Circuit Television (CCTV) Policy		Council Resolution	1 July 2020

## 9. AUTHORISATION

This policy was duly adopted by Council as McKinlay Shire Council Closed Circuit Television (CCTV) Policy on 16 August 2022 and shall hereby supersede any previous policies of the same intent.

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