

CCTV POLICY

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<i>Version:</i>	1		
<i>Also Refer to:</i>	BDC Privacy Policy (<i>DRAFT</i>) BDC Complaints Policy (<i>DRAFT</i>) Privacy Act 2020		

Overview:

1. This policy applies to all cameras and similar monitoring devices used, owned, operated or managed by Buller District Council, (BDC), including those in and around Council owned or operated buildings and facilities, body-worn cameras on Council staff, and other cameras that have been installed in public areas for general crime prevention and for staff and community safety purposes.
2. This policy applies to all Council employees, elected members, contractors of Council, and others involved in the authorised operation, maintenance and use of Council cameras. The policy will be available on the BDC website.

Objective:

3. Council owns and operates a number of CCTV cameras at a number of locations around the Buller District. The cameras have been set up for several purposes, including:
 - a. Enhancing public safety and community wellbeing by deterring and preventing criminal and antisocial behaviour in public places throughout the district.
 - b. Assisting other agencies, including the Police where appropriate, by detecting and providing evidence of potential criminal or other activity.
 - c. Improving staff security in their interactions with the public, in relation to health and safety matters, and in civil defence situations.
 - d. For business improvement, training and quality control in relation to cash handling and other transactions, and for monitoring how busy the front desk is so that staff can be deployed appropriately.
 - e. Assisting Council with its regulatory functions, including by monitoring compliance with regulations, bylaws and other legislation.
 - f. Protecting Council assets including buildings and infrastructure, including monitoring for trespass.
 - g. To enhance airport staff and passengers' safety and security, identify aircraft landings to record movement data for CAA statistics and to identify aircraft registrations and invoice landing fees.

- h. As required for traffic control or auditing, managing and monitoring traffic in particular areas may be undertaken. This includes but is not limited to gathering of statistical vehicle and pedestrian information. Areas where CCTV footage captured for the above purposes will be identified by relevant signage.
 - i. Collecting evidence for BDC secondary functions – internal audit, annual review, security, ongoing learnings, administering fees or fines and investigations, including employment investigations related to potential breaches of the code of conduct.
- 4. By setting up CCTV cameras, Council incurs obligations under legislation including the Privacy Act (2020). This policy has been developed to explain how Council will operate and use its CCTV network and ensure adherence to its privacy obligations. This CCTV Policy is to be read in conjunction with Council's Privacy Policy.

Procedure:

Camera locations

- 5. CCTV Cameras are located throughout the Buller District at Council owned and/or operated buildings and venues. A full list of fixed camera locations is available via the BDC CCTV Asset Register (iii). Each camera is placed in a location determined by Council to clearly achieve the purposes of the system as outlined under Objective 3. They must not interfere with the usual use of that space.
- 6. New cameras will only be installed if Council is satisfied that they are necessary to achieve the purposes of the CCTV system, and if budgets allow. Refer to the New Camera Request Checklist (IV).
- 7. Fixed cameras will only be positioned to observe public locations or Council owned facilities. They will not be positioned to capture images of:
 - a. Private spaces within public areas (such as changing rooms or bathrooms)
 - b. Private residences (except incidentally or unavoidably as part of a wide angle shot or while panning past)
 - c. The insides of buildings (except Council owned buildings)
 - d. Body-worn cameras are also used by certain Council officers (such as Animal Control Officers) to record interactions while carrying out their official duties. When used the Council officer will inform the individual with whom they are interacting that the wearable camera is in use.
 - e. The use of Unmanned Aerial Vehicles (UAV's) is governed by the Civil Aviation Authority. Council when using drones for commercial purposes, must comply with the Civil Aviation Authority Rules and ensure compliance with the Privacy Act.

Operation of cameras

- 8. Cameras capture video images, but not always sound/audio. They will operate for the minimum amount of time necessary to achieve their purpose (which may mean constant monitoring in some cases).

Signage

9. All areas covered by fixed CCTV cameras will be clearly signposted. The signs will:
 - a. Be of a size and design to be readily visible to people entering the vicinity.
 - b. Clearly communicate that cameras are or may be operating.
 - c. Briefly describe why the CCTV system is being used (e.g., “crime prevention cameras in operation”).
 - d. State that the cameras are owned and operated by Council.

Live monitoring

10. Monitors for live monitoring will be located in secure locations, so that only authorised and trained persons will have access to monitors. All access will be documented and controlled with password protection. Monitors will not be located in any position where they could be viewed by any members of the public.
11. In accordance with Principle 11 of the Privacy Act, Police may be given direct access to live footage on Council’s CCTV network, upon approval of BDC CEO.
12. Live streaming of Council meetings - most public Council and committee meetings are broadcast live online and then made available on our website. Most of the filming will cover elected members, however the filming may also include shots of the public in the background and of anyone speaking in a public forum.

Storage of footage

13. All information gathered through Council’s CCTV system will be stored securely at authorised Council locations. The specific storage period for data from each CCTV camera will be specified. Footage is kept for no longer than necessary to achieve its purpose and will in all cases be deleted within ninety (90) days unless a longer retention period is required for a specific purpose (eg, for evidence in criminal proceedings).
14. Any third parties whose services are used for storage of footage will be required to comply with the Privacy Act. No third-party services or products will be used by Council unless it is satisfied that Council will be able to continue to meet its privacy obligations.

Use of footage

15. All recorded CCTV footage will be used strictly and solely for the purpose or purposes for which it was collected. Under no circumstances will Council authorise use of footage outside of this.

Access to recorded footage

16. Access to CCTV footage is strictly controlled to ensure the safety and security of this information. This may include measures such as restricting access to named roles only, use of passwords, encryption or locks, and record-keeping of all access. Individual staff member must complete the Internal Request for Recorded Material Form (iv). The application will be considered by the Chief Executive Officer. If access is granted the staff member must comply with all provisions in this policy.
17. Recorded footage of an individual and their activities is personal information, and that individual has a right to view it in accordance with the Privacy Act. Requests by individuals for access to CCTV footage are treated as a request for personal information and are handled in accordance with the Privacy Act

and the Local Government Official Information and Meetings Act 1987. Refer to the Internal Request for Recorded Material Form (I).

18. From time to time, we may share recorded CCTV footage showing identifiable images of people. This will only occur if we were required to do so under any laws or regulations, or in the course of legal proceedings or other investigations. Footage may be shared with New Zealand Police or other public agencies. If Police or other agencies wish to access recorded CCTV footage, they are required to complete the Police Request for Recorded Material Form (II).
19. Release of footage to any approved party will be shown on the BDC Recorded Material Release Register (V).
20. Council will take any alleged inappropriate access to CCTV footage very seriously, and investigate the circumstances fully. Access will be recorded and monitored to ensure footage is not used for any unauthorised purpose.

Complaints

21. Any complaint regarding any aspect of Council's CCTV should be made in the usual manner in accordance with Council's Customer Complaint Policy, which is available on Council's website. Alternatively, if the complaint concerns a privacy matter, an approach can be made to the Privacy Commissioner directly

Roles and responsibilities

22. Individuals may be assigned viewing, access, retrieval, maintenance, and installation privileges depending on their role within Council.

Role	Responsibility
All staff	<ul style="list-style-type: none"> Understanding and applying this policy. Understanding and applying the privacy principles in the Privacy Act consistently with this Policy. Reporting any access requests, correction requests, complaints, or queries to their relevant line manager immediately and supporting the response. Reporting any faults or issues they notice with onsite Video Camera's (VC) to the IT Team Leader.
Department / Business Unit Managers	<ul style="list-style-type: none"> Identifying privacy risks of VC that is operated by their business unit and putting in place appropriate mitigations. Ensuring that staff are aware of their obligations regarding personal information collected by VC. Maintaining accountability for responding to complaints or queries, access and correction requests, and disclosures of information related to VC information collected by their Business Unit. Notifying the Team Leader or Group Manager about complaints.

	<ul style="list-style-type: none"> • Reviewing access permissions for their staff who have access to VC information. • Engaging with the Privacy Officer or CEO for uses of VC information outside of the purposes set out in this Policy. • Maintaining signage in areas where their Business Unit is operating cameras, as instructed by the H&S Advisor. • Ensuring staff that use camera network should read the policy and undertake privacy training.
Privacy Officers	<ul style="list-style-type: none"> • Act as the Privacy Officer/s as delegated by the CEO. • Providing guidance to Staff and Managers of Business Units as requested and required with regards to any aspect of this Policy.
CEO	<ul style="list-style-type: none"> • Approving correspondence to the Office of the Privacy Commissioner in relation to notified complaints from the Office of the Privacy Commissioner. • Approving correspondence to the Office of the Privacy Commissioner in relation to notifiable breaches of the Privacy Act 2020. • Consider and where appropriate, approve release of material via the Internal or External Recorded Material Forms.
HR	<ul style="list-style-type: none"> • Advising and assisting in relation to requests for access to or correction of VC information for employees. • Advising and assisting in relation to investigations into complaints involving employees.

Definitions:

CCTV: In this policy, the phrase “CCTV” is used to mean any type of camera, recording device, or other related technology. It is recognised that CCTV is a legacy term, specific to an increasingly redundant technology. However, it is widely understood to refer to the types of surveillance and monitoring technologies with which this policy is concerned.

Council: Buller District Council “BDC”

Privacy Act: Privacy Act 2020

Relevant Supporting Documentation:

- I. Appendix I – Internal Request for Recorded Material Form
- II. Appendix II – Police Request for Recorded Material Form
- III. Appendix III – New Camera Request Checklist
- IV. Appendix IV – BDC Recorded Material Release Register
- V. Appendix V - BDC CCTV Asset Register

Applicable to:

- ✓ All employees of Buller District Council.