

Avoca Beach SLSC CCTV Policy

Rationale

The purpose of this policy is to govern the use of a CCTV system by Avoca Beach SLSC as an incident risk management tool under the requirements of the *Work Health and Safety Act 2011 (NSW)* (**WH&SA**) as well as the *Workplace Surveillance Act 2005 (NSW)* (**WSA**).

The purpose of the CCTV system at Avoca Beach SLSC is to provide staff, members, and visitors with a safe environment in which they can work and use. The provision and use of Closed-Circuit Television (CCTV) support the maintenance of this secure environment by ensuring an appropriate level of surveillance of staff, members, and visitors to the buildings. It also provides enhanced capability to protect Avoca Beach SLSC assets against vandalism and theft. The visual presence of CCTV cameras provides a strong deterrence against inappropriate behaviour and will often serve to reassure members that they are protected whilst within the facility. This policy details the way that the CCTV system will operate in providing that security, whilst ensuring that the privacy of individuals is protected in accordance with relevant Information Privacy Principles set out in the Information Privacy Act 2009.

SCOPE

These guidelines focus only on the use of CCTV cameras at Avoca Beach SLSC which operate in the Gym, Front Entry, Bar, Captains Office, Lifesaving Office, Foot Wash Entry and Gym Hallway areas of the club house

The operation of CCTV is regulated by sections 11, 14 and 16 of the WSA and the following requirements:

- CCTV cameras will be clearly visible.
- Signs will be at each entrance to notify people that they may be under surveillance.

SLSCs will not use CCTV to conduct surveillance of employees who are not at work.

1 DEFINITIONS

Closed-Circuit Television operates using dedicated cameras to transmit a video image to a specific set of monitors and secondary devices. Access to the images shown on these monitors is restricted to authorized persons from Avoca Beach SLSC Executive and System Operators who are limited to use information gathered for the following security purposes:

1. To prevent, deter and detect contravention of the Avoca Beach SLSC Responsible Behaviour.
2. Collect information on any incident that breaches Avoca Beach SLSC Responsible Behaviour.
3. The provision of visual coverage for the management of emergencies. Access to the CCTV recorded footage is limited to authorised staff, authorised Police and Security Personnel with a legitimate reason to view and/or otherwise use the captured footage, including the provision of evidence in support of prosecution of criminal or illegal behaviour. Authorisation to review any footage will be given to relevant parties (in the case of unauthorised staff) on a case by case basis which will be determined at the

discretion of the Executive of Avoca Beach SLSC. In this instance, footage is required to be viewed in an area where an Avoca Beach SLSC staff member may be undertaking the operations of their role, an Executive will be consulted. Any use of this system or material produced which is frivolous, or for private purposes, or is otherwise inconsistent with the purpose and procedures outlined within this policy will be considered gross misconduct, and disciplinary action will be taken against anyone in breach of this policy. Appropriate signage must be in place to notify all persons entering Avoca Beach SLSC that CCTV cameras are in use, and accordingly that they may be filmed during their visit. The wording of the signage may be as follows: WARNING These premises are monitored by closed circuit television (CCTV). Installation of CCTV cameras in Avoca Beach SLSC will be limited to places such as the entrances to the building, general thoroughfares, and high-risk general areas such as Gymnasium, Bar and Captains Office. Cameras are directed at areas rather than at individuals but may be focused on individuals where there is suspicious behaviour.

The planning and design has endeavoured to ensure that the scheme will give maximum effectiveness and efficiency, but it is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage. Management Responsibility Avoca Beach SLSC ICT Assistant has the responsibility for the ongoing management of the CCTV system.

The club executive or delegates are charged with:

1. Controlling the operation of the CCTV system to ensure that it is within the requirements of Government legislation and Avoca Beach SLSC policies.
2. Providing advice on the location of and utility of cameras and storage mediums.
3. Supporting the maintenance and upgrade of the cameras where necessary.
4. The Executive Team and approved delegates are authorized by this policy to access footage via a request to the Executive.

The request must contain the following information: - • Date of the incident. • Time of the incident. • Location of the incident. • Reason why the viewing has been requested • Possible names of the people involved (if possible)

All members have the right to make a request to view footage for an investigation where they believe a breach of the Club Responsible Behaviour has been made. They will do this by making an application through an Executive Member. The request must include the information listed in the above process. This footage will then be viewed by both the requesting member and the person acting upon the request. How the footage will be used, if at all, will then be determined by the Executive Committee.

Storage of Footage Electronic media is kept for up to 28 days. If no request has been made to view or access footage during this 28-day period, the electronic media is destroyed. Access to and disclosure of images to third parties. All employees should be aware of the restrictions set out in this policy in relation to access to, and disclosure of, recorded images.

1. Access to recorded images will be restricted to authorised persons who need to have access to achieve the purpose(s) of using the CCTV equipment.

2. All access to the medium on which the images are recorded should be documented. Disclosure of the recorded images to third parties should be limited to the following classes of persons/agencies. Law enforcement agencies, where the images recorded would assist in a specific enquiry; Law enforcement agencies where the images would assist a specific criminal enquiry; Relevant legal representatives. Only designated persons in an official capacity should have access to CCTV footage and stored files/tapes. The number of persons should be limited. These images must not be provided to any third parties or members of the Club unless under a legal order or police request.

4. For the purpose of identifying individuals (eg the theft of an item picked up by a CCTV camera), designated officials may show third parties and/or Club members the specific footage in question, but are not allowed to provide these individuals direct copies of these images, screen shots, or allow the filming of them off the screen by another camera (eg a phone).

5. Recorded images will not be made more widely available – for example they should not be routinely made available to the media or placed on the Internet.

6. If it is believed that images be made more widely available, the decision will be made by the Executive.- such as - Reasonably believed to be necessary to avert an imminent threat of serious violence or of substantial damage to property.

7. No recordings will be made available to any member or community member that involves children other than their own, unless summoned/subpoenaed.

Factors that should be considered prior to disclosing surveillance records without a warrant include:

- The seriousness of the alleged offence.
- The degree of evidence available that suggests the surveillance record contains information that will assist with law enforcement.
- Whether significant personal information relating to third parties will be disclosed.
- How well sign posted the camera surveillance is i.e. will members and visitors to the area have a reasonable expectation that they will be captured in surveillance records.
- Any industrial arrangements as the surveillance records may also include footage of members.

Privacy legislation

Personal information collected by surveillance will be protected by the *Privacy and Personal Information Protection Act 1998 (NSW)*.

OVERT CAMERA SURVEILLANCE

Employee Notification

Section 10 of the WSA provides clear direction on the requirements for notifying employees where an employer wishes to undertake overt workplace camera surveillance.

The use of cameras to undertake workplace surveillance will be lawful under the WSA only if all of the following conditions are met:

- employees have been notified, in writing, at least 14 days before the cameras are used. New starters (including new members and new paid employees) must be advised prior to commencing work (section 10);
- the cameras are clearly visible to people in the area that is under surveillance (section 11); and
- signs notifying people that they may be under camera surveillance are clearly visible at each entrance to the area under surveillance (section 11).

Notification Exemption Clause

Section 14 of the WSA allows for an exemption from the employee notification requirements where the surveillance is:

- conducted with the agreement of the employee or a body representing a substantial number of employees at the particular workplace e.g. a union or representative body, for a purpose other than surveillance of members and the public near or on the SLSC premises (e.g. security purposes) and
- carried out in accordance with that agreement.

Failure to meet all the requirements for overt surveillance will constitute covert surveillance, which is in breach of the Act in the absence of a covert surveillance authority.

Security related workplace camera surveillance

In a security context, camera surveillance is generally used to:

- deter security incidents e.g. theft, vandalism, violence, etc;
- gather information that may be used in evidence if a crime is committed within view of the camera (assuming the camera is recording);
- allow a security incident to be viewed as it is occurring and an appropriate response to be raised.