COUNCIL POLICY

Alpine Shire

BODY-WORN CAMERA

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DOCUMENT CONTROL

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Directorate: Corporate	**Department:** Planning and Amenity	**Contact officer:** Manager Planning and Amenity

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REVISION RECORD

Date:	Version:	Revision description:
27/05/2017	0.1	Draft for internal review and discussion
04/12/2017	0.2	Second draft for internal review and discussion
03/01/2018	0.3	Final draft for public review and submissions
01/05/2018	1.0	Council Adopted Version 1.0

1. TITLE

Alpine Shire Council Body-Worn Camera Policy.

2. POLICY STATEMENT

Alpine Shire Council (Council) places a high priority on the safety of its employees.

To assist in creating a safe environment in the workplace, Council has introduced body-worn cameras for the use by approved Authorised Officers while undertaking their duties within the Alpine Shire.

Data collected with body-worn cameras will also assist Authorised Officers in the administration and enforcement of Acts, regulations or local law which relates to the function and powers of the Council.

The *Surveillance Devices Act 1999* and the *Privacy and Data Protection Act 2014* govern the use of video footage that captures persons in the public realm and forms the basis of this policy.

3. PURPOSE

This policy provides guidance to Authorised Officers, employees, elected representatives, and other stakeholders on the ethical, lawful and efficient use of body-worn cameras and recorded data.

Body-worn camera technology is used by the Council to promote and maintain a safe work environment (eg. by discouraging and documenting occupational violence), and will assist Authorised Officers in carrying out their operational tasks related to investigation of breaches of Acts, regulations and local laws.

4. SCOPE

This policy applies to:

- all Council employees who are Authorised Officers and have been approved to wear body-worn cameras by the Chief Executive Officer (CEO) in the course of performing their duties for the Council; and
- Council management and the Information Technology Coordinator insofar as they have supervisory and technical responsibilities in relation to body-worn cameras.

From time to time Council contracts Authorised Officers from other Councils or private organisations. This policy does not apply to contract Authorised Officers who are bound by their own organisation's policies and procedures.

5. OBJECTIVE

The objectives of this policy are to:

- improve the safety of Council employees while undertaking their duties as Authorised Officers of Council;
- discourage aggressive behaviour (both verbal and physical) towards Council's Authorised Officers;
- overtly obtain and secure evidence at the scene of incidents and crimes related to the Acts, regulations and local laws which relate to the function and powers of Council;
- improve investigation of incidents reported either by an Authorised Officer or a member of the public;
- ensure that recorded data collected on body-worn cameras is handled in line with legislative and procedural requirements.

6. POLICY DETAILS

6.1 Policies and procedures

Council has developed separate procedural guidelines to support the implementation of this policy and accommodate the use, auditing and management of body-worn cameras and recorded data in Council operations.

All Authorised Officers who are allocated a body-worn camera to wear must follow the Council's procedural guidelines in relation to its use.

6.2 Recording an incident

Authorised Officers must activate camera recording, if deemed safe to do so, in accordance with the body-worn camera procedural guideline:

- where they have a reasonable concern for their safety or welfare (or that of another person); or
- if an occupational violence incident occurs or their assessment indicates the occurrence of an incident is imminent; or
- to gather evidence of a breach of an Act, legislation or local law the Council is responsible for; or
- as directed by their supervisor for purposes related to safety or welfare of employees or other persons.

Camera recording must not be activated except in accordance with the policy above. If an Authorised Officer becomes aware that recording has commenced inadvertently, the camera must be turned off immediately and the activation reported.

Prior to activating camera recording, or as soon as practicable after recording begins, Authorised Officers must verbally advise any persons in the vicinity that recording is being undertaken.

Activating camera recording for any unauthorised purpose (eg. practical jokes, taping private conversations or other covert surveillance) will not be tolerated by Council and may result in disciplinary action.

6.3 Access, use and disclosure of recorded data

Access to the master copy of recorded data for the purposes of reviewing and extracting the recorded data will be restricted to Authorised Officers and the IT Coordinator.

Access to an extract of recorded data for the purposes of viewing, copying or disclosing the recorded data will be restricted to Council's CEO, Directors, Manager Planning and Amenity, , Health, Safety and Risk Officer, Governance Officer and or any other Council employee approved by the CEO.

Data recorded by an activated body-worn camera may be used and disclosed to a third party by the Council for the purposes of:

- incident monitoring;
- identification of Council employee or public safety issues;
- deterrence of aggressive behaviour towards Council officers;
- improved collection of evidence for prosecutions;
- prosecution of incidents of occupational violence;
- prosecution of illegal activity;
- providing evidence in court proceedings;
- investigation of incidents where claims or complaints have been made against Authorised Officers and employees.

Recorded data may be provided to a third party on the condition that the third party has an official role in investigating and/or prosecuting the incident or some other legitimate reason for requiring access to the recorded data.

Data recorded by an activated body-worn camera will be not be used to monitor employee performance.

Nothing in this policy affects or limits any:

- obligations the Council has under any State or Commonwealth laws to retain and/or refer-on details, documents and other material relating to employee and contractor conduct;
- lawful uses or disclosures that the Council may otherwise make of the camera data.

6.4 Retention and storage of recorded data

Recorded data will be stored in a secure electronic location with restricted access.

Recorded data must be protected from unauthorised viewing, copying, alteration and disclosure.

Recorded data that is required (or potentially required) as evidence in any legal or regulatory process will be retained until such time as the Council (after obtaining independent legal advice) determines that the recorded data is no longer required.

Subject to the above, recorded data is to be permanently deleted after a period not exceeding 30 days from the date of capture of the data.

6.5 Privacy and compliance

Confidentiality

Any personal information contained in recorded data will be kept confidential by all Council employees, contracted Authorised Officers and other parties to whom it is disclosed and otherwise handled in accordance with the Council's privacy policy and legal obligations.

Where the Council is permitted, authorised or required to use or disclose recorded data in accordance with this policy or a law of the State or Commonwealth, measures will be taken to minimise the unnecessary disclosure of personal information including facial pixilation and audio editing.

Access to personal information

A member of the public has the right to apply for access to their personal information held by Council under the *Freedom of Information Act 1982.*

Removal and alteration of personal information

A person can apply for their personal information to be altered (whether by way of corrections, deletions or additions) in accordance with the *Information Privacy Act 2000.*

Privacy complaints

Privacy complaints in relation to body-worn camera usage should be made directly to Council in the first instance.

Privacy complaints in relation to body-worn camera usage may also be made to the Office of the Victorian Information Commissioner (OVIC). The OVIC can investigate complaints about alleged violations of privacy where Council has not responded to the complaint in the first instance or the complainant is not satisfied with Council's response to the complaint.

7. ROLES AND RESPONSIBILITIES

The following positions are responsible for implementing, complying with, monitoring, evaluating reviewing and providing advice on the policy and procedures:

Action	Responsible Officer
Implementation	Authorised Officers who are approved and required to use body-worn cameras in the course of their duties are personally responsible for wearing and operating their allocated body-worn camera in accordance with this policy and any other applicable procedures of the Council.
Training and compliance	The Manager Planning and Amenity is responsible for ensuring that employees and contractors receive adequate training in the operation and use of body-worn cameras and monitoring compliance with this and any other applicable procedures on an ongoing basis.

Action	Responsible Officer
Data management and technical support	The Information Technology Co-ordinator is responsible for troubleshooting, secure storage of and access to recorded data, auditing and such other technical support and maintenance as is required to keep camera equipment and software functioning properly.
Development/Review	• Director Corporate • Manager Planning and Amenity
Interpretation/Advice	• Director Corporate • Manager Planning and Amenity

8. SUPPORTING DOCUMENTS

This Policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Surveillance Devices Act 1999* (Vic)
- *Privacy and Data Protection Act 2014* (Vic)
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Charter for Human Rights and Responsibilities Act 2006* (Vic)

Related Procedures

- Alpine Shire Council Body-worn Camera Procedures.

9. HUMAN RIGHTS CHARTER

This policy has been considered in relation to the Victorian *Charter of Human Rights and Responsibilities Act 2006* and it is determined that it does not contravene the Charter.

10. MONITORING, EVALUATION AND REVIEW

Body-worn camera technology is evolving rapidly and becoming more widespread. Council will review and modify its policy and related procedures and arrangements to meet legal, technological and organisational developments.

This policy will be reviewed and updated to:

- incorporate improvements identified by users of the system;
- reflect the Council's practices, operational requirements and legal obligations;
- address any privacy risks;
- reflect and address the changing technology and features of body-worn cameras.

Review of this policy and associated documentation will occur every two years.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy.

11. NON-COMPLIANCE, BREACHES AND SANCTIONS

Failure to comply with this Council policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action.

12. DEFINITIONS AND ABBREVIATIONS

Definitions of terms used in the policy and explanations of any abbreviations and acronyms.

Term	Meaning
Authorised Officer	In the context of this policy, Authorised Officer is a person appointed by the Council for the purposes of the administration and enforcement of any Act, regulations or local law which relates to the function and powers of the Council who has been approved by the CEO to wear a body-worn camera. This does not include contracted Authorised Officers.
Body worn camera	A body-worn camera is a camera normally worn on the person that is capable of recording visual images or sound or both, whether or not the camera is being worn when the recording takes place. The camera stores digital files which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout.
CEO	Chief Executive Officer
Council	Alpine Shire Council
Management	Council's Chief Executive Officer, directors and managers.

13. APPROVAL

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 1 day of May 2018 in the presence of:

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COUNCILLOR

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COUNCILLOR

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CHIEF EXECUTIVE OFFICER