



# Workplace Surveillance

# Policy

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## Purpose

1. This policy provides a coordinated approach to the management and operation of Workplace Surveillance within the Central Coast Council Local Government Area.

## Scope

2. This policy applies to all employees including permanent, contract, temporary and casual employees.

## Background

3. Central Coast Council currently has surveillance and security installations at its premises to ensure the following objectives.
  - a. Reduce the risk of crime by deterring would-be offenders;
  - b. Enhance community and employee safety through improved site security;
  - c. Assist authorities in investigations;
  - d. Manage appropriate use of Council facilities;
  - e. Assist Council in general claims, enhancement of Work Health and Safety practices and investigations of complaints.
4. Central Coast Council is committed to ensuring that there are clear rules and guidelines for the installation and operation of such installations to comply with all legislative requirements.

## General

5. Central Coast Council's surveillance systems will comply with the required Privacy Protection Principles as set out in the [Privacy and Personal Information Protection Act 1998](#) which provides for the protection of personal information, and the privacy of individuals generally.
6. Central Coast Council will be open and transparent about the surveillance systems it operates, including the location of those systems, their purpose and access and disclosure of information captured by the systems.
7. The [Workplace Surveillance Act 2005](#) prevents surveillance of an employee without prior notice in writing to the employee. Where the need for surveillance has been identified, any employees, contractor, hirers or tenants will be advised of the intention to install surveillance systems.

8. Surveillance will be operated fairly, within the appropriate laws and only for the purposes of achieving the objectives outlined in this policy. The information sourced via workplace surveillance will be used only for purposes related to the employment of staff, or the legitimate business activities or functions of Council.
9. Surveillance will be operated with due regard to the privacy and civil liberties of members of the public, employees and other Council representatives who attend the premises.
10. Signage advising persons that their images may be recorded will be installed at every premises where surveillance systems are used.
11. Access to the information recorded on the surveillance system will be restricted to those employees who have been trained to operate the system and have the appropriate delegation and/or to contractors engaged by Council to maintain and monitor any surveillance system. Failure to observe this requirement may be a breach of Council's Code of Conduct and may result in disciplinary action.
12. Information recorded on the surveillance system is not to be used for performance management of employees. Recorded footage of employees can only be used in disciplinary action if there is reasonable cause to believe a breach of the Code of Conduct, criminal misconduct or a breach of safe work practices has occurred.
13. Where a request to access surveillance records is made by Law Enforcement Authorities, an authorised employee shall facilitate the request and provide the information in the approved format. The release of surveillance images will only be undertaken if authorised by Law Enforcement Authorities for the purposes of their law enforcement activities.
14. Where a request to access surveillance records is made by any employee such access shall require authorisation by the Executive Manager, People and Culture subject to the consideration of the applicable laws.
15. Where surveillance records have confirmed an incident has taken place, the Executive Manager, People and Culture in consultation with the relevant directorate shall determine the appropriate course of action to be taken.
16. Complaints about the operation of any surveillance system shall be reviewed in accordance with Council's Complaints and Feedback Management Policy and as required with Council's Code of Conduct.
17. Where Conditions of Hire or Lease Agreements are in effect at a premises where a surveillance system is installed by Council, the Agreements shall include advice to this effect.
18. Requests for recorded images from members of the public or other organisations will be made available under the [Government Information \(Public Access\) Act 2009](#) guidelines only.

19. Recorded images will not be sold or used for commercial purposes or the provision of entertainment.
20. Recorded images will be retained for a period of no longer than 28 days unless required by Law Enforcement Authorities.

## Use of Drones

21. Central Coast Council from time to time employ the use of drones to carry out surveillance at any of its facilities.
22. These drones will be operated in accordance with the applicable laws and [Civil Aviation Safety Amendment \(Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation\) Regulations 2019](#).

## Council Vehicles

23. GPS tracking devices are installed across a range of Council's vehicles, plant and equipment excluding private use leaseback motor vehicles. This technology provides back to base, real time capability with respect to location, speed and other performance data.
24. The data from GPS tracking devices may be made available for the purposes of internal auditing, reporting and any investigations into breach of a Council Policy, Council's Code of Conduct or related disciplinary matters.
25. Where a Council vehicle is supplied with a GPS device, the vehicle must display notification that a GPS device is installed in the vehicle.
26. Any evidence of an employee deliberately tampering with a GPS system will be dealt with under Council's Code of Conduct.
27. Fuel cards record details of the purchase including date, time and location. These records may be made available for the purposes of internal auditing, reporting and any investigations into breach of a Council Policy, Council's Code of Conduct or related disciplinary matters.

## Electronic Communications

28. Council has a responsibility to comply with the [Workplace Surveillance Act 2005](#) in relation to computer surveillance.
29. All electronic data is stored on Council's computer systems and subject to inspection and monitoring by management where required.

30. Electronic data may be made available for the purposes of internal auditing, reporting and any investigations into breach of a Council Policy, Council's Code of Conduct or related disciplinary matters.

## Compliance, monitoring and review

31. Any breaches of this policy will be dealt with under Council's Code of Conduct.

32. Access to Council's facilities that require use of a proximity card, software, data and paper documents may be logged and audited identifying dates, times, location and card user. These records may be made available for the purposes of internal auditing, reporting and any investigations into breach of a Council Policy, Council's Code of Conduct or related disciplinary matters.

33. Electronic records of attendance and timecards are kept in accordance with the relevant legislation. These records may be made available for the purposes of internal auditing, reporting and any investigations into breach of a Council Policy, Council's Code of Conduct or related disciplinary matters.

34. This policy will be reviewed every two years.

## Definitions

35. The following definitions are used in this policy:

- a. **Council premises:** means any Council owned building and immediately adjacent public land areas which form part of the amenity and access to the building.
- b. **GPS (Global Positioning System):** means a radio navigation system that allows land, sea and airborne users to determine their exact location, velocity and time anywhere in the world.
- c. **Surveillance:** means a series of cameras and display monitors which are networked to stand-alone digital recorded units located at individual Council premises and which have the capability of being viewed at secure security surveillance facilities of contractors engaged by Council or via mobile devices held by authorised employees or contractors.

## Related resources

### 36. Legislation:

- a. [Privacy and Personal Information Protection Act 1998](#)
- b. [Government Information \(Public Access\) Act 2009](#)
- c. [Workplace Surveillance Act 2005](#)
- d. [Surveillance Devices Act 2007](#)
- e. [Civil Aviation Safety Amendment \(Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation\) Regulations 2019](#)

### 37. Associated documents:

- a. NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places – issued by the [NSW Government Department of Justice 2014](#)
- b. Council's [Code of Conduct](#)
- c. Council's [Complaints & Feedback Management Policy](#)
- d. Council's Procedure – Use of Council Plant and Fleet Vehicles (available on the intranet)

## History of revisions

Amendment history	Details
Original approval authority details	<p>Chief Executive Officer</p> <hr/> <p>05/05/2020</p> <hr/> <p>This policy provides a coordinated approach to the management and operation of Workplace Surveillance within the Central Coast Council Local Government Area.</p> <p>This policy replaces former policies and practices including <i>Workplace Surveillance</i> - September 2015 (former Wyong Shire Council)</p>