

SURF LIFE SAVING NEW SOUTH WALES
KIAMA SURF LIFE SAVING CLUB (SLSCs)
CCTV CAMERAS POLICY

POLICY GUIDELINES

To assist in providing a safe physical environment some SLSCs in New South Wales have installed a CCTV surveillance system at their Club premises. The area covered at each Club differs.

This policy has been developed to govern the use of CCTV cameras at SLSCs.

PURPOSE

The purpose of this policy is to govern the use of a CCTV system by Kiama 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)*.

SCOPE

These guidelines focus only on the use of CCTV cameras at Kiama SLSC which operate in the stairwell and complete immediate external 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. Employees include volunteers. An employee will be considered to be "at work" when they are at the workplace of the employee or they are anywhere else whilst performing work for the employer.

LEGISLATIVE FRAMEWORK

WSA

The WSA applies to camera surveillance, computer surveillance and tracking surveillance of staff or in Kiama SLSCs' case members. The Act regulates the use of both overt and covert surveillance and the use and disclosure of the records obtained from surveillance.

Surveillance Devices Act 2007 When conducting workplace camera surveillance, if the camera is used to record private conversations, the camera surveillance will also be regulated by the *Surveillance Devices Act 2007 (NSW)*.

Privacy legislation

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

Guidelines

Kiama SLSC will operate only overt camera surveillance to observe personal or property security and unlawful activity.

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.

MONITORING OF CAMERA SURVEILLANCE

Where continuous monitoring of CCTV at SLSCs is not feasible the following strategies, as a minimum, should be considered:

- the CCTV is continuously recorded with archived images stored for up to 7 days;

- a physical security response is mobilised where an alarm is activated;
- protocols advising Kiama SLSC officers if an incident occurs are established;
- regular review of the effectiveness of the above strategies is undertaken to ensure risk and liability are being appropriately managed in a way that maintains the security of the SLSC.

PLACEMENT OF CAMERAS

Where a security risk assessment results in the decision to use overt camera surveillance in a particular location, effective placement of the camera within this location is critical to the success of a surveillance strategy aimed at controlling security risks.

- Lighting levels, including shadowing, minimum lux levels, type and height including varying lighting levels in open areas as opposed to under awnings etc and obstructions to fields of view.
- Pedestrian thoroughfares, including analysis of the amount of pedestrian access throughout each day.
- The recommended height of equipment above ground to deter potential vandalism (while noting that position height of cameras needs to allow adequate identification of persons).
- The view from the recommended camera height, taking into account building structures and awnings.
- Direction of the sun, including sunrise and sunset 'blooming' and the possible effect on the cameras.
- Whether private premises would come within the view of the cameras.
- The accessibility of equipment for maintenance purposes including any safety issues for members or contractors undertaking the maintenance.
- Possibility of accompanying lighting intruding upon the surrounding area. Access to power supply.
- Cabling routes and distances.
- Availability of existing cables and conduits.

RELATED PROCEDURES

Kiama SLSC should also consider:

- Ensuring camera surveillance equipment remains appropriately placed, and continues to be pointed in the necessary direction.
- Maintenance and testing of the equipment - a maintenance log is recommended. The CCTV system and any alarms should be regularly tested.
- Undertaking regular risk assessments to ensure that the introduction of camera surveillance has not created new or different security risks e.g. moved potential illegal activity from the area now under surveillance to other surrounding areas, or created expectations in relation to a duress response that may be unrealistic or unable to be met.

USE AND DISCLOSURE OF SURVEILLANCE RECORDS

The WSA requires that any record made as a result of surveillance not be used or disclosed unless the disclosure is:

- For a legitimate purpose related to the legitimate business activities of Kiam SLSC.
- To a member or officer of a law enforcement agency (eg Police) for use in connection with the detection, investigation or prosecution of an offence.
- For a purpose that is directly or indirectly related to the taking of civil or criminal proceedings.
- Reasonably believed to be necessary to avert an imminent threat of serious violence or of substantial damage to property.

As it is in the public interest to assist law enforcement agencies to pursue their law enforcement and public protection activities, Kiama SLSC should assess requests for surveillance records in the absence of a warrant on a case by case basis.

In deciding whether to provide surveillance records Kiama SLSC should balance this need with its own obligations of confidentiality to its members and the sensitive nature of legal information.

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.