

# CCTV AND WEARABLE VIDEO CAMERA GUIDELINE



## HUTT CITY COUNCIL

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## 1. PURPOSE

This guideline establishes instructions for closed circuit television (CCTV) and wearable video cameras for Hutt City Council (HCC) staff to ensure compliance with the Health and Safety at Work Act 2015 and the Privacy Act 2020. The use of CCTV and wearable video cameras is intended to:

- Minimise the risk of personal harm to staff; and
- Minimise the chance of harm to a member of the public; and
- Assist staff in the lawful discharge of their functions and duties.

## 2. SCOPE

This guideline applies to any HCC employee or volunteer, or any party contracted to provide CCTV or wearable video camera services or equipment to HCC.

## 3. HEALTH AND SAFETY OBLIGATIONS

HCC must ensure it meets its obligation under the Health and Safety at Work Act 2015 in respect of ensuring the safety of our staff. HCC is required to ensure, so far as is reasonably practicable, the health and safety of its employees.

Examples of where officers are exposed to such risks to health and safety include:

1. Front Counter staff (Libraries, Pools, Admin Building, Parking Wardens, Animal Control, and Museums) as a target of verbal abuse, threatening behaviour, and physical assaults.
2. Animal Services staff coming into contact with dangerous people or situations when they are required to enter premises to execute their powers under the Dog Control Act 1996.

While it is not possible to eliminate the risk of personal harm during the course of normal work activities, HCC is legally obliged to do all that is reasonably able to be done in relation to ensuring health and safety, taking into account of all relevant matters, including:

- a. The likelihood of the risk concerned occurring.
- b. The degree of harm that might result from the risk.
- c. What is known about the risk and ways of minimising the risk.
- d. The suitability of ways to minimise the risk.
- e. The cost associated with minimising the risk.

HCC believes that CCTV and wearable video cameras are an effective way of minimising harm to Council staff, deterring assault or anti-social or threatening behaviour, and avoiding the need to move to other means of self-defence for officers such as physical contact, or the carriage and use of other personal protection equipment.

CCTV and wearable video cameras provide opportunities to improve safety for library, pools, parking wardens, animal control, trade waste, museums, and admin building staff. They:

- Enhance public place safety by ensuring that there are cameras operating in areas identified by police and councils as priority areas in regard to safety and the perception of safety.
- Provide a means to identify offences and public safety issues as soon as possible and initiate an appropriate response.

- Provide evidence of a high standard to aid Police in their investigations (in some cases).
- Contribute to creating a community where residents and visitors can take advantage of all opportunities without fear of harm in a friendly and easily navigable environment.
- Encourage members of the public to modify their behaviour toward Council officers because they will be aware that their behaviour is being recorded; and
- Assist Council to provide core services to their communities.

## 4. PRIVACY OBLIGATIONS

The use of CCTV and wearable video cameras must be managed to ensure compliance with the Information Privacy Principles as outlined in the Privacy Act 2020.

To comply with these privacy principles HCC employees and members of the public must be made aware that CCTV or wearable video cameras are operating, who owns and operates them, why they are operating and the purpose the information has been collected for. This can be achieved through:

- Public signage notifying that CCTV is operating in the area.
- Verbal advice by the officer wearing the device, at any time when the device is operated, the officer must advise the individual being videotaped, as soon as practicable.
- Website notices outlining details such as the rationale for collection and process for storing and requesting images.

CCTV and wearable video cameras must not be operated in a manner that is unlawful, unfair or unreasonably intrusive. Fixed CCTV cameras should not be placed to focus on sites that may be perceived as sensitive (e.g. health centres, refuges).

To ensure the accuracy of the information collected, cameras and equipment should be regularly checked so that images are clear, zoom functions operate sufficiently, time stamps are correct, and views are not being obscured by trees or other obstacles.

Compliance with other privacy principles requires:

- The images are only used or disclosed for the purpose that they were collected, in accordance with the conditions of use.
- Collected images must be stored securely and protected from unauthorised access or loss.
- Individuals must have the ability to ask for access to their personal information as collected by images that include them.

## 5. CONDITIONS FOR USE

The conditions of use are:

- Wearable video cameras will only be carried and operated by Council Officers who have been trained in their use.
- Images are only viewed in secure premises by authorised individuals.
- CCTV and wearable video camera images must not be viewed for any purpose other than:
  - minimising the risk of personal harm to staff;
  - minimising the chance of harm to a member of the public; or

- assisting staff in the lawful discharge of their functions and duties<sup>1</sup>.
- Signs indicating CCTV is operating on the premises must be displayed.
- Officers wearing video cameras must inform individuals that they are being recorded.

## 6. STORAGE OF IMAGES

Information collected by CCTV or wearable video camera will be stored in accordance with the following criteria:

- Recorded footage will only be stored if it has been collected in accordance with a purpose authorised by this guideline.
- Footage will be stored on systems which have access limited to a relevant Manager and staff and/or volunteers authorised by that Manager. Approval of that Manager or an authorised person is required for any other person to access that system.
- Footage and images will only be viewed by authorised staff and/or volunteers in accordance with this guideline.
- Each time the system is accessed it will be recorded in a log.
- Footage will be held for no longer than necessary depending on the purpose for which the information is stored. Decisions regarding the retention of material will be made within 48 hours of the information being collected.
- Some recordings and images may be retained for the purposes of resolving incidents, to assist in any legal proceedings or for training. Images of people not connected to the event will be blurred to avoid possible identification of that individual. This will be the responsibility of those personnel authorised to view the recorded footage.

## 7. REQUESTS FOR IMAGES

Images should not be disclosed to parties outside HCC, with two exceptions – Police requests and requests by individuals for their own information:

- If, in the course of any investigation conducted by the Police, a formal request is made for any images relevant to that investigation, the image/s will be released unaltered in response to that request with the approval of the City Safety Manager or the Facilities Manager.
- Individuals have a right to request access to their personal information. Requests for footage by individuals of themselves will be treated as a Privacy Act request and managed in line with HCC policy. The Privacy Officer must be informed of any request for release of footage when it is requested by an individual and must check the footage before allowing the release.
- Footage of individuals not relevant to a request will be blurred or otherwise kept private if the software permits this. If this is not possible, the request may be declined if the Privacy Act 2020 allows this.

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<sup>1</sup> HCC functions and duties also include the administration and maintenance of any cameras, monitors, applications, programmes or other equipment required to operate the CCTV and wearable video camera systems.

## 8. DISCIPLINARY CONSIDERATIONS

Failure to adhere to any of the above rules will be a breach of this guideline, may be a breach of the Privacy Act 2020 and/or a breach of HCC's Code of Conduct and Employer Obligations in respect of "performance of duties" and may result in disciplinary action.

## 9. REVIEW OF USE

The use of CCTV and wearable video cameras will be reviewed every two years. This will include:

- Reviewing statistics of incidents captured by CCTV and wearable video cameras to test its effectiveness.
- Auditing equipment performance and location to ensure it is functioning correctly.
- Checking staff compliance and understanding of the guideline.

## 10. RELATED DOCUMENTS

Document	Document ID	Date Issued
Privacy Policy 2020	CI-POL-002	2020
Health and Safety Policy	HS-POL-002	2019
Request for CCTV Image Search/Download [draft]	DOC/16/146381	2019
HCC Code of Conduct	HR-POL-005	
Escalation Guidelines [draft]		