



POLICY

C029 Body-Worn Cameras

1 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 (**BWCs**) and recorded data.

Body-worn camera technology is used by the Council to promote and maintain a safe work environment (e.g., 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 the Hindmarsh Shire Council Municipal Local Laws.

Authorised personnel will exclusively use these cameras.

2 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) while 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 camera data storage and disposal.

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, unless otherwise stipulated in the contract and/or service agreement.

3 Definitions

Authorised Officer means, in the context of this policy, 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 means a camera normally worn on the person that can record 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 means Chief Executive Officer

Council means Hindmarsh Shire Council

Management means Council's Chief Executive Officer, Directors and Managers.

4 Privacy

BWCs are not intended for monitoring residents. Their primary purpose is to record interactions between Authorised Officers and the public while upholding privacy rights. Council Officers will adhere to all relevant privacy legislation, including but not limited to the *Privacy and Data Protection Act 2014*, when using body-worn cameras and when managing recorded data.

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.

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). 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.

The operation of visual surveillance devices may impact upon an individual's right to privacy. A Privacy Impact Assessment was completed on this policy to ensure that devices impact on this protected right in a manner that is reasonable, proportional and demonstrably justified.

5 Policy

5.1 Standard Operating Procedure

Council has developed separate procedural guidelines, Procedure – Body Worn Cameras 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 authorised to use a body worn camera must follow the Council's procedural guidelines in relation to its use.

5.2 Recording and 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, or for training purposes where none of the above apply and other persons have been informed the reason for the activation and are a party to the training.

Camera recording must not be activated except in accordance with these purposes. 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 will verbally advise any person in the vicinity that recording is being undertaken.

In public areas or circumstances where the conversation would not be considered private, the Authorised Officer may, at their own discretion, advise people in the vicinity that the recording is being undertaken.

Activating camera recording for any unauthorised purpose may result in disciplinary action.

5.3 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, Manager People and Performance, the IT Administrator and any other person authorised by the CEO.

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, and or any other Council employee approved by the CEO on a need-to-know basis.

Subject to the provisions of the *Privacy and Data Protection Act 2014* and other applicable legislation, 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, and appropriate confidentiality arrangements are in place, once authorised by the CEO.

Data recorded by an activated body-worn camera will not be used to monitor employee performance but may be reviewed in response to an investigation regarding a complaint. With consent of the relevant officer, the data may also be used for training or coaching purposes.

5.4 Retention and Storage of 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.

All footage obtained from body worn cameras will be retained and disposed of by Council in accordance with the applicable standard made under the *Public Records Act 1973*. The period of data retention will vary depending upon the purpose for which it was recorded.

Recorded data that is not deemed to be relevant to the investigation of any matter is to be permanently deleted after a period not exceeding 90 days from the date of capture of the data.

6 Responsibilities

6.1 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.

6.2 Training and Compliance

The Director Infrastructure Services 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.

6.3 Data Management and Technical Support

The Information Technology Coordinator 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.

7 References

Related documents	Legislation
Hindmarsh Shire Council Body-Worn Camera Procedure	<i>Surveillance Devices Act 1999</i> <i>Evidence Act 2008</i> <i>Privacy and Data Protection Act 2014 (Vic)</i>
Hindmarsh Shire Council Privacy Policy	<i>Freedom of Information Act 1982</i> <i>Privacy Act 1988</i>

	<p><i>Charter for Human Rights and Responsibilities Act 2006 (Vic)</i> <i>Local Government Act 1989 [Vic]</i> <i>Local Government Act 2020 [Vic]</i></p>
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8 Document Control

Body-Worn Cameras		Policy Category	Council
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