


<b>Portable Surveillance Policy</b>		 <b>Longreach Regional Council</b> <small>Ilfracombe Isisford Longreach Yarak</small>
Policy Number:	11.10	
Policy Category:	Community	
Authorised by:	Res-2022-12-321	
Date approved:	15 December 2022	
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## **PURPOSE**

The purpose of this policy is to provide a framework for lawful, ethical and efficient implementation, operation and management of portable surveillance devices, such as body worn and trail cameras, used by Council officers. The policy will also outline principles in relation to the collection and management of recorded data and personal information.

## **SCOPE**

This policy applies to Council controlled portable surveillance devices, including body worn and trail cameras, and all nominated persons who have a responsibility for the implementation, operation, management, access or disclosure of records relating to portable surveillance and recorded data.

## **LEGISLATION**

*Information Privacy Act 2009*

*Information Privacy Regulation 2009*

*Invasion of Privacy Act 1971*

*Right to Information Act 2009*

*Right to Information Regulation 2009*

*Acts Interpretation Act 1954*

*Public Records Act 2002*

*Human Rights Act 2019*

*Work Health and Safety Act 2011*

*Criminal Code Act 1899*

*Evidence Act 1977*

*Animal Management (Cats and Dogs) Act 2008*

*Biosecurity Act (Qld) 2014*

*Local Government Act 2009*

## **DEFINITIONS**

To assist in interpretation, the following definitions apply:

**Body Worn Camera (BWC)** – means a wearable, portable surveillance device, incorporating audio, video and still image recording. BWCs are used for the safety of Officers and community members, factual evidence collection, and improvement of operational processes. Also includes the use of a mobile phone device where required.

**Council** – means the Longreach Regional Council.

**Law Enforcement Agency** – for the purposes of the IPA, means any of the following:

- a) Queensland Police Service (QPS);
- b) A police force or police service of another State or a Territory;

- c) The Australian Federal Police;
- d) The Police Integrity Commission;
- e) The Australian Crime Commission;
- f) The Department of Corrective Services;
- g) The Department of Juvenile Justice;
- h) Any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State;
- i) Local, State, and Federal Government agencies for the enforcement of legislation;
- j) A person or body prescribed for the purposes of this definition by regulations.

**IPA** – means the *Information Privacy Act 2009 (Qld)*.

**Information Privacy Principles (IPP)** – means the IPP as outlined in Schedule 2 of the IPA.

**Personal Information** – has the same meaning as under the IPA and means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Public Space** – means any place to which the public has access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place. The public space can include, but is not limited to, public streets and roads, public parks, public halls, museums, galleries, aquatic centres, sports grounds, and libraries.

**Trail Camera** – means a portable, weatherproof surveillance device that may be temporarily fixed to a moveable or stationary object for the purpose of asset security, evidence collection or wildlife surveying. Features of a trail camera may include motion detection, GPS location, night vision, live transmission, and still photo capture capability.

## **POLICY STATEMENT**

Council aims to provide a safe and secure environment for residents, visitors, and employees. To contribute to this outcome, Council has introduced the use of portable surveillance devices, such as body worn and trail cameras.

The use of portable surveillance devices by Council is intended to:

- Maintain and increase community safety and security;
- Mitigate risks associated with the health, safety and/or welfare of Council officers whilst conducting operational duties;
- Identify, manage, deter and/or reduce criminal or unlawful actions;
- Assist in the lawful collection of evidence relating to regulatory, compliance and/or law enforcement duties;
- Assist in investigations relating to breaches of legislation, including providing appropriate evidence and information to Police and law enforcement agencies to prosecute criminal offences;
- Encourage appropriate communication and interactions between Council officers and members of the public;
- Assist in the investigation of alleged inappropriate conduct by Council officers; and

- Protect assets and facilities that are owned or controlled by Council .

### **Privacy Considerations**

In using portable surveillance devices, Council is committed to complying with the Information Privacy Principles (“IPP”) pursuant to the IPA when collecting Personal Information.

Compliance with the IPA is required if the footage captured by the portable surveillance device is of sufficient quality and a person with the necessary knowledge will be able to reasonably ascertain the identity of an individual from the footage.

Council will ensure that information collected through the use of portable surveillance devices is collected for a lawful purpose directly related to its functions and is necessary to fulfil that purpose, either directly or indirectly.

Where personal information is collected from a trail camera, Council will comply with its obligations regarding the collection, storage, handling, use and disclosure of that information pursuant to the IPA and will, where appropriate, provide notification to the public of the use of the surveillance device either through signage installed in close proximity to the trail camera location or by other reasonable means as determined by Council.

Additionally, Council is committed to complying with the *Invasion of Privacy Act 1971* in relation to the use of portable surveillance devices where it is capable of being used to overhear, record, monitor or listen to a private conversation where the officer is not a party to the conversation.

Council will also ensure that any footage captured by a portable surveillance device, regardless of whether it contains personal information or not, is kept in accordance with the requirements of the *Public Records Act 2002*.

### **OTHER RELATED DOCUMENTS**

General Retention and Disposal Schedule (GRDS) Queensland State Archives  
Criminal Code Act 1899 (Qld) – section 227A Observations or recordings in breach of privacy  
Longreach Regional Council Local Laws and Subordinate Local Laws  
Body Worn Camera Management Directive

Authorised by resolution as at 15 December 2022:



Brett Walsh  
Acting Chief Executive Officer