

SURF LIFE SAVING NEW SOUTH WALES

SALT SURF LIFE SAVING CLUB CCTV CAMERAS POLICY

OBJECTIVES SUMMARY

SALT SLSC has installed a CCTV surveillance system at the Club premises for the purpose of ensuring the security of the workplace and persons in it, which may include:

- assist in providing a safe physical environment, noting that Section 3 of the SLSA Membership Application and Declaration warns that SLS Activities can be inherently dangerous.
- deter people engaging in anti-social and illegal activity which impacts on the overall amenity of the club.
- better protect the club's and individual's property, gear and equipment from damage and/or theft.
- assist in the identification of person(s) who engage, or are suspected of engaging in, illegal and or anti-social behavior in and around the club.
- assist in the identification of person(s) who trespass onto the club premises without reasonable cause.
- assist in the identification of person(s) who engage in, or are suspected of engaging in, serious misconduct in and around the club

PURPOSE OF POLICY

The purpose of this policy is to govern the use of a CCTV system by SALT 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 SALT SLSC which operate in the equipment storage, entryways, gym, upstairs and external areas of the clubhouse.

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.
- SALT SLSC 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.

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, or
- where the purpose is other than surveillance of employees (members) and the public near or on the SLSC premises (e.g. for security related 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 at Salt SLSC 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

- the CCTV is continuously recorded on specific-purpose computer hardware, in a secure area, with archived images stored for up to 28 days.
- a physical security response is mobilised where an alarm is activated.
- designated SALT SLSC officers are advised if an incident occurs through established protocols, as adopted by the Committee from time to time.
- only designated SALAT SLSC officers are authorised to review recordings.
- 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

SALT SLSC will endeavour to:

- Ensure camera surveillance equipment remains appropriately placed and continues to be pointed in the necessary direction.
- Ensure periodic maintenance and testing of the equipment. The CCTV system and any alarms should be regularly tested.
- Undertake 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 SALT SLSC.
- To a member or officer of a law enforcement agency (e.g. 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.

Only club-authorized persons may access the footage. The administration officer is responsible for ensuring footage is securely retained and appropriately accessed.

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

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

Factors that SALT SLSC will consider 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.

LEGISLATIVE FRAMEWORK

WSA

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

Listening Devices Act 1984

When conducting workplace camera surveillance, if the camera is used to record private conversations, the camera surveillance will also be regulated by the *Listening Devices Act 1984 (NSW)*.

Privacy legislation

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

Guidelines

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

Workplace Surveillance Act 2005 No 47

<https://www.legislation.nsw.gov.au/inforce/cda3e2c0-0fd3-6065-e243-e81a43c4fdb2/2005-47.pdf>