



# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>BODY WORN CAMERA</b>
<b>Policy Number</b>	<b>P-2019-25</b>
<b>Business Unit/s</b>	<b>FINANCE GOVERNANCE AND RISK CUSTOMER RELATIONS</b>
<b>Date of Adoption</b>	
<b>Resolution Number</b>	
<b>Review Date</b>	
<b>Date Repealed</b>	

### 1.0 PURPOSE:

The purpose of this policy is to outline the principles relating to the use of body worn cameras (BWCs) and the management of the recorded data.

### 2.0 SCOPE:

This policy applies to all employees or other individuals engaged by Council who use or manage the operations of body worn cameras (BWCs) or other digital recording devices. This policy does not apply to the administration and operation of fixed CCTV systems.

### 3.0 RELATED LEGISLATION:

- *Information Privacy Act 2009 (QLD)*
- *Right to Information Act 2009 (QLD)*
- *Public Records Act 2002 (QLD)*
- *Invasion of Privacy Act 1971 (QLD)*
- *Local Government Act 2009 (QLD)*

### 4.0 RELATED DOCUMENTS:

- Code of Conduct Policy
- Records Management Policy
- Compliance and Enforcement Policy
- Compliance and Enforcement Investigation and Evidence Collection Corporate Standard
- GRC Factsheet – Use of Video and Listening Devices – Do's and Don't's
- Guideline Information Privacy Act 2009, Camera Surveillance and Privacy, Office of the Information Commissioner – accessed 30 August 2019  
[https://www.oic.qld.gov.au/\\_data/assets/pdf\\_file/0010/28099/guideline-camera-surveillance-and-privacy.pdf](https://www.oic.qld.gov.au/_data/assets/pdf_file/0010/28099/guideline-camera-surveillance-and-privacy.pdf)
- Prevention in Focus, Body worn cameras – their role in complaint resolution, November 2018, Crime and Corruption Commission Queensland – Accessed 30 August 2019  
<http://www.ccc.qld.gov.au/research-and-publications>

- Queensland Government Website, Surveillance Records, accessed 2 September 2019, <https://www.forgov.qld.gov.au/surveillance-records>

## 5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

**BWC** means Body Worn Camera.

**Incident** means

- an engagement with a member of the public which in the opinion of the officer is, or may become, confrontational
- an officer being approached by a member of the public in a manner perceived as aggressive or threatening
- the officer is witnessing behaviour that they consider constitutes an offence as prescribed by Council's Local Laws or other applicable legislation
- any instance in which the officer feels they may be required to substantiate their actions or decisions, or manner of interaction with a member of the public in an investigation.

## 6.0 POLICY STATEMENT:

### 6.1 Principles

Council authorises the use of BWCs in circumstances where officers are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities. The use of these devices is intended to:

- Assist in the lawful collection of evidence for actual or suspected breaches of legislation, including Council local laws
- Maintain and improve community safety
- Mitigate identified risks to the health, safety and welfare of Council officers in the execution of their duties
- Provide a record of the interaction between an officer and a potential complainant in situations that may result in an allegation of inappropriate behaviour or other complaint
- Assist in the investigation of allegations of inappropriate conduct by officers
- Assist in circumstances where officers consider an interaction may develop into an Incident.

### 6.2 Responsibilities

#### 6.2.1 Officers issued with a BWC

Responsibilities include:

- Only using the device whilst on duty.
- Ensuring that when a BWC is in use that it is positioned in a prominent location on the officer's body, uniform, or clothing, so that it can be seen by those individuals the officer is engaging with and worn in a manner that maximises the camera's ability to capture video footage and audio of the interaction and/or activity.

- Restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the duties or incident and attempt to minimise collateral intrusion to those not involved.
- At the Officers discretion, inform the individual (or group) that the BWC is switched on and recording. There may be occasions when informing an individual or group of recording activity may have potential to escalate the incident or put the officer in danger. In these circumstances, the information should not be provided, however, the officer may be required to justify the decision if asked to do so.
- Record uninterrupted prior to the start of an interaction or incident until the conclusion of the interaction or incident. The officer should continue recording for a short period after to clearly demonstrate that the matter has concluded. However, the nature of some interactions or incidents may make it necessary for the officer to consider the rationale for continuing to record throughout the entire period.
- At the Officers discretion, audio record only (no vision) where there is potential for the inside of an individual's home or motor vehicle to be captured to minimise the impacts on an individual's privacy.
- As far as practicable, ensure that children and minors aren't captured on video footage.
- Refrain from recording private conversations where the officer is not a party to the conversation.
- If questioned, confirm with the enquirer that they are subject to recording and be prepared to answer questions on the security of the data.
- Operating the device in accordance with training provided and ensuring the BWC is secure whilst in the officer's possession.
- Storing and managing the data collected in accordance with the business's requirements.
- Reporting the loss, damage or theft of a device.

### **6.2.2 Leaders**

Responsibilities include:

- Ensuring those issued with BWCs are instructed on correct use, operation, storage of the device & data collected and the legal implications of using the BWC.
- Making arrangements for the secure storage of BWC devices when not in use.
- Ensuring that Officers secure the data collected in accordance with requirements.
- Authorising the release of BWC data to law enforcement agencies.
- Investigating the loss or theft of any BWC to minimise damage, especially in respect to the loss of any third party's personal information.

- Liaising with the Records team and Strategic Information, Communication and Technology regarding the storage, classification, retention and destruction of BWC data.

### **6.2.3 Records Team**

Responsibilities include:

- Working with leaders in the storage, classification, retention and destruction of BWC data.
- Processing applications for access to BWC data under the *Information Privacy Act 2009* and *Right to Information Act 2009*.

## **6.3 Data Management**

Any BWC data must not be deleted from the BWC by an officer in the field.

Any recordings which have been made must be downloaded from the BWC for storage in the approved business system as soon as practicable, and subsequently deleted from the relevant BWC.

All data will initially be classified as 'non-evidential' and stored for a period of 90 days, before being permanently deleted. In doing so the business reduces the personal information it holds and minimises the likelihood of misuse, unauthorised access, modification or disclosure.

If a recording is to be used as part of any internal or external investigation or it relates to the issue of any form of compliance document or penalty notice, the relevant recording will be retained in accordance with the Queensland State Archives Retention and Disposal Schedules and subsequently managed in accordance with Council's Records Management Policy.

BWC recordings will, upon request, be made accessible as soon as practicable to the Queensland Police Service and/or other law enforcement agencies, if it is deemed reasonably necessary for a law enforcement activity. In such circumstances, the relevant records will be retained for one year after the recording is sent to the relevant law enforcement agency.

Any member of the public who has been identified as being recorded by a BWC may request access to the recording. Where the person requesting the recording is the only person recorded, Council will release it administratively. Where there is more than one individual recorded, individuals may apply for the recording under the provisions of the *Information Privacy Act 2009* or *Right to Information Act 2009* to ensure that all parties rights to privacy are considered.

## **6.4 Approval to use BWCs**

The following positions are authorised to approve the use of BWC devices:

- Chief Executive Officer
- General Managers
- Manager Governance

- Manager Biosecurity and Environmental Health
- Manager Development Services
- Local Laws Team Leader.

**7.0 ATTACHMENTS:**

Nil

**8.0 REVIEW MECHANISM:**

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

<b>TABLE OF AMENDMENTS</b>			
<b>Document History</b>	<b>Date</b>	<b>Council Resolution No.</b>	<b>Notes (including the prior Policy No, precise of change/s, etc)</b>
Originally Approved			
Amendment 1			
Amendment 2			
Amendment 3			

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**LEISA DOWLING**  
**CHIEF EXECUTIVE OFFICER**