

Policy No. 99: Use of Body Worn Cameras

POLICY MANUAL

Policy No. 99	Use of Body Worn Cameras
Purpose	The purpose of this policy is to provide for a framework for the use of a Body Worn Camera.
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POLICY

1. Definitions

<i>Body Worn Cameras - BWC(s)</i>	A small recording device that captures video and audio recordings when activated.
<i>Authorised Council Officers</i>	An Authorised Council Officer for the purposes of this Policy is the Director Development and Regulatory Services and the General Manager or as authorised or delegated.

2. Objectives

The objectives of this Policy are to:

- a. ensure the safety of Council Officers while undertaking compliance and enforcement activities, including investigations, by reducing the risk of exposure to violence, aggressive, or abusive behaviour; and
- b. capture evidence to assist with compliance activities, enhance transparency, and manage potential allegations and claims of misconduct; and
- c. establish governance mechanisms for the protection of information and compliance with relevant legislation; and
- d. provide guidelines to ensure the safety and privacy of members of the public is managed appropriately.

3. Scope

This Policy applies to Council Officers who use BWCs as part of their duties. It covers the use, management, storage and use of BWC recordings.

4. Policy

4.1 Deployment and Use

- *Issuance:* BWCs may be issued to Council Officers who have completed relevant training, and whose duties involve, or are assisting with, interaction with the public through compliance and enforcement activities and investigations. They may also be issued to Council Officers when interacting with members of the public in accordance with workplace health and safety protections.
- *How BWCs will be worn:* BWCs must be worn in an overt manner and in a prominent location on the body of the Council Officer.
- *Activation:* Council Officers may activate BWCs during public interactions and when responding to calls for service relating to compliance and legislative activities, including under the *Work Health and Safety Act 2012*. The BWC should be activated as soon as the Council Officers are aware of the need to record the interaction. Council Officers will make all reasonable efforts to announce that a BWC is recording.
- *Express or Implied Consent:* a Council Officer must not use a BWC if:
 - any persons objects to being recorded or revokes consent to be recorded; and
 - the Council Officer is not exercising an express statutory power to record; and
 - there is no imminent threat of serious violence to person or of substantial damage to property; or

A Council Officer may use a BWC without express or implied consent if:

- in accordance with workplace health and safety protections; or
 - there is an imminent threat of serious violence to person or of substantial damage to property.
- *Deactivation:* BWCs should be deactivated upon completion of the interaction or when the incident is resolved. Council Officers may announce their intent to deactivate the BWC, except in circumstances where this could compromise safety.
 - *Exceptions:* BWCs should not be activated in locations where there is a reasonable expectation of privacy, such as restrooms or locker rooms and where Council Officers are invited into private residences or property, unless the interaction is directly related to an active investigation or incident.

4.2 Prohibited Use

- *Personal Use:* BWCs are for use by Council Officers when completing their duties only and must not be used for recording personal activities or private conversations unrelated to the duties of their employment.
- *Covert Recording:* Council Officers must not use BWCs to record individuals without their knowledge, except in circumstances where there is an imminent threat of serious violence to persons or of substantial damage to property.
- *Recording Council Officers:* Council Officers must not use BWCs to record other Council Officers unless related to an active investigation or incident and the other Council Officers are aware of the recording.
- *Use of Recordings in Disciplinary Action Against Staff:* An Authorised Council Officer cannot use footage to initiate or substantiate disciplinary action against Council Officers when reviewing footage recorded by BWCs, except for in instances where Council Officers engage in unlawful conduct or have failed to adhere to Council Policies.
- *Other Prohibitions:* BWCs must not be used in any way that is contrary to the *Listening Devices Act 1991*.

4.3 Data Management

4.3.1 Storage and Retention

- *Uploading:* Council Officers must upload BWC footage to the Designated Storage System at the end of each day, or as soon as practicable the next working day. If unable to do so, they must notify their Team Leader.
- *Retention Period:* Recorded data will be retained in accordance with relevant legislation and the retention schedule.

4.3.2 Access and Review

- *Access:* Access to BWC footage is restricted to Authorised Council Officers. Council Officers may review their own BWC recordings for the purpose of report writing or court testimony. The data may be used to form part of a Work Health and Safety review process or investigation.
- *Requests for Access from Police and Media:* Requests for access to BWC footage from the police and media must be directed to an Authorised Council Officers for review.
- *Request for Access from Persons Recorded:* A person who has been recorded on a BWC may request to access a copy of the footage to an Authorised Council Officer. Should an Authorised Council Officer refuse such a request, they must provide a reason(s) for refusal.
- *Objecting to a Refusal for Access to Data:* A person who has been recorded on a BWC and had their request to access a copy of the footage refused by an Authorised Council Officer may make a request to access the data under the *Right to Information Act 2009*.

4.4 Privacy and Confidentiality

4.4.1 Privacy Considerations

- *Privacy Interests:* The use of BWCs is managed in accordance with the *Personal Information Protection Act 2004*, which governs the collection, use and disclosure of personal information.
- *Notification:* Council Officers will announce that a BWC is recording, unless it is unreasonable to do so.
- *Minors:* In instances where a minor is present and likely to be recorded, BWCs will only be activated while being used in accordance with this Policy.

4.4.2 Confidentiality

- *Sensitive Information:* Council Officers must be cautious not to capture sensitive information, such as personal identifiers, health information or other confidential details, whilst engaging in a compliance or enforcement activity or investigation, unless relevant and necessary to the matter at hand.
- *Dissemination:* Unauthorised sharing or dissemination of BWC footage is prohibited. Only appropriate Council Officers may release footage in accordance with relevant legislation or where appropriate to do so.

4.5 Training and Compliance

4.5.1 Training

- *Initial Training:* Council Officers must complete training on the proper use, activation, and management of BWCs prior to accessing a BWC. This will include training on this Policy and any relevant procedure or guidelines.
- *Ongoing Training:* Refresher training will be provided to Council Officers to ensure continued understanding and adherence to this Policy and any relevant procedure or guidelines and address any updates or changes to relevant legislation, as required.

4.5.2 Compliance and Accountability

- *Monitoring:* Authorised Council Officers may conduct periodic audits of footage and data management practices if considered reasonable to do so.

5. Legislation and Related Standards

Personal Information Protection Act 2004

Local Government Act 1993

Right to Information Act 2009

Archives Act 1983

Listening Devices Act 1991

Work Health and Safety Act 2012

Building Act 2016

Land Use Planning and Approvals Act 1993

Dog Control Act 2000

Public Health Act 1997

Environmental Management Pollution Control Act 1994

6. Responsibility

Responsibility for the operation of the Policy rests with the Director Development and Regulatory Services.