



# BODY-WORN VIDEO CAMERA POLICY

TITLE	BODY-WORN VIDEO CAMERA POLICY
RESPONSIBLE DEPARTMENTS	INFRASTRUCTURE & ASSET AND COMMUNITY RELATIONS
APPROVED BY COUNCIL	15 APRIL 2025
RESOLUTION NO	49/2025
AMENDED ON	
RESOLUTION NO	
REVIEW DATE	15 APRIL 2028

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### 1 AUTHORITY & APPLICATION

Date of approval	25/01/2023
Source of approval	General Manager
Start date	25/01/2023
Related Council Documents	<p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"><li>• <i>Code of Conduct</i></li><li>• <i>Communications</i></li><li>• <i>CCTV</i></li><li>• <i>Disciplinary</i></li><li>• <i>Issue Resolution</i></li><li>• <i>Managing Performance</i></li><li>• <i>Workplace Behaviour</i></li></ul>
Date of review	19/02/2025
Previous policies replaced by this Policy	N/A
Publication of Policy	Sorell Council Intranet, MagiqDocs

<b>Definitions</b>	
<b><u>Term</u></b>	<b><u>Meaning</u></b>
<b>Applicable Laws</b>	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> <li>• <i>Australian Human Rights Commission Act 1986 (Cth)</i></li> <li>• <i>Local Government Act 1993 (TAS)</i></li> <li>• <i>Personal Information Protection Act 2004 (TAS)</i></li> <li>• <i>Privacy Act 1988 (Cth)</i></li> <li>• <i>Public Records Act 2002 (TAS)</i></li> <li>• <i>Surveillance Devices Act 2007 (TAS)</i></li> <li>• <i>Telecommunications (Interception and Access) Act 1979 (Cth)</i></li> </ul>
<b>Body-Worn Video Camera</b>	A portable video recording device worn on the body by a compliance officer to capture audio-visual footage during their official duties.
<b>CCTV</b>	Closed-Circuit Television (CCTV) refers to a system of video surveillance using cameras placed in fixed locations to monitor and record activities in public or private spaces. CCTV systems transmit video signals to designated monitors or recording devices and are commonly used for security, safety, and regulatory enforcement purposes.
<b>Compliance Officer</b>	An employee or authorized individual working for Council responsible for enforcing local laws, regulations, and other compliance-related duties.
<b>Council</b>	Sorell Council
<b>Data Access</b>	The right to view or handle video footage or other records. Access is typically restricted to authorized personnel involved in the investigation or legal process.
<b>Data Destruction</b>	The process of securely eliminating or destroying video footage or other records after they are no longer needed or after the retention period has expired.

<b>Disclosure</b>	The release of video footage or personal information to third parties, typically for legal, regulatory, or authorized purposes.
<b>Evidentiary Value</b>	The relevance of video footage or other records in supporting or disproving a claim, typically in a legal or investigative context.
<b>General Manager</b>	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
<b>Infringing Workplace Behaviour</b>	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
<b>Other Persons at the Workplace</b>	Any person at the Workplace who is not an Employee including visitors and ratepayers.
<b>Personal Information</b>	Information about an individual that can be used to identify them, such as name, image, voice, or other identifying characteristics captured through BWVCs.
<b>Policy</b>	This Policy including the 'Authority and Application'.
<b>Records Management</b>	The process of managing the creation, storage, retention, and destruction of records, ensuring compliance with legal and regulatory requirements.
<b>Retention Period</b>	The length of time that video footage or other records must be stored before being securely destroyed, as determined by legislation, regulation, or policy.
<b>Video Footage</b>	The visual and/or audio content captured by a body-worn video camera during an officer's duties, typically including interactions with individuals or events.
<b>Training</b>	Council will provide all persons covered by this Policy with appropriate training, so they are made aware of their responsibilities and obligations under the Policy.
<b>Amendment</b>	Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

<p><b>Interpretation of Policy</b></p>	<ul style="list-style-type: none"> <li>(a) The singular includes the plural and vice versa.</li> <li>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</li> <li>(c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.</li> <li>(d) 'Including' and similar expressions are not words of limitation.</li> <li>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</li> <li>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</li> <li>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</li> <li>(h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</li> <li>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</li> </ul> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
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<b>Reporting of Breaches</b>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by:</p> <ul style="list-style-type: none"> <li>a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or</li> <li>b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and as otherwise required or permitted by Applicable Laws.</li> </ul>
<b>Breach of Policy</b>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none"> <li>(a) exposing individuals to legal proceedings; and</li> <li>(b) making Council vicariously liable for the conduct of others.</li> </ul>

## 2 PURPOSE

This policy outlines the use of body-worn video cameras (BWVCs) by compliance officers of Council.

The purpose of this policy is to

- a) provide clear guidance on the appropriate use of BWVCs,
- b) ensure privacy protection, and
- c) establish compliance with relevant Tasmanian and Australian federal legislation.

It ensures that compliance officers' use of BWVCs is lawful, ethical, and accountable.

This policy complements and integrates with the Local Government Authority CCTV Policy, which governs the use of fixed surveillance equipment, including public area CCTV monitoring.

Body-worn cameras serve a distinct purpose from static CCTV cameras, as they are used for personal, officer-specific recordings in the field, often documenting interactions that are not captured by fixed CCTV systems.

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### 3 COVERAGE

This Policy and the associated Procedure applies to all Compliance Officers authorised to use BWVCs in the course of their official duties. This includes activities such as enforcement of local laws, investigations, inspections, and any other compliance-related functions.

It works in conjunction with Council's CCTV policy, which governs the use of fixed surveillance cameras in public spaces such as streets, parks, and other public areas.

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### 4 REQUIREMENTS

#### 4.1 Legislative and Regulatory Framework

The following legislation governs the use of BWVCs and CCTV by statutory authorities in Tasmania and Australia:


(a) Tasmanian Legislation:

- (i) *Surveillance Devices Act 2007 (Tas)*: Regulates the use of surveillance devices, including both BWVCs and CCTV cameras, ensuring that they are used in compliance with privacy rights.
- (ii) *Personal Information Protection Act 2004 (Tas)*: Governs the collection, storage, and disclosure of personal information by public authorities.
- (iii) *Local Government Act 1993 (Tas)*: Provides the framework within which local government authorities operate and includes provisions for compliance officers performing enforcement functions.

(b) Australian Federal Legislation:

- (i) *Privacy Act 1988 (Cth)*: Establishes privacy principles to protect personal information collected by Australian government agencies, including public sector organisations.
- (ii) *Telecommunications (Interception and Access) Act 1979 (Cth)*: Governs the interception of communications, including the recording of video in public spaces.
- (iii) *Australian Human Rights Commission Act 1986 (Cth)*: Protects individuals' right to privacy, including monitoring and surveillance, ensuring that any use of BWVCs and CCTV systems is justifiable and proportionate.

## 4.2 General Guidelines for the use of BWVCs

- (a) Authorisation:
  - (i) Compliance officers must be authorised by Council to use BWVCs. Officers must receive appropriate training on the lawful and ethical use of the equipment.
  - (ii) All use of BWVCs must follow Council's CCTV Policy, particularly where interactions may overlap with CCTV footage or public spaces being monitored.
- (b) Purpose of Use:
  - (i) BWVCs are for official purposes related to compliance functions such as enforcement, investigations, inspections, and documentation of events for legal purposes.
  - (ii) Recordings are permitted when deemed necessary for the safety of officers, others, or for the protection of evidence.
- (c) Notice of Recording:
  - (i) In compliance with the *Surveillance Devices Act 2007 (Tas)*, individuals must be informed when being recorded unless such notification would impede the officer's duties (e.g., in covert operations).
  - (ii) Officers must provide notice through verbal communication or visible signage prior to any recording. 
- (d) Recording Limitations:
  - (i) BWVCs must not be used in private spaces or situations where there is a reasonable expectation of privacy, such as private homes or specific sensitive environments, unless authorized by law or with consent.
  - (ii) Recordings should be limited to what is necessary to fulfill the purpose of the officer's duties.

## 4.3 Integration with CCTV Policy

- (a) CCTV and BWVC Footage:
  - (i) Council's CCTV Policy applies to fixed surveillance equipment located in public spaces. BWVCs are designed for personal use by Compliance Officers and differ from the continuous monitoring provided by CCTV



systems. However, where an officer's use of BWVC captures footage that overlaps with public CCTV systems, the CCTV Policy governs how that footage may be integrated or cross-referenced.

(b) Data Management:

- (i) Both BWVC and CCTV data must be stored securely and in compliance with privacy and records management requirements. The CCTV Policy will apply to any footage captured via public CCTV, while this policy governs the storage and retention of body-worn video footage. Both types of footage must adhere to the retention periods and destruction protocols outlined by the Tasmanian Archives and Heritage Office (TAHO).

#### 4.4 Data Management and Privacy

(a) Data Collection:

- (i) Personal information captured through BWVCs, including video footage, must be collected, stored, and disclosed in compliance with the *Personal Information Protection Act 2004 (Tas)* and the *Privacy Act 1988 (Cth)*.
- (ii) Compliance Officers must ensure data collected is relevant, accurate, and necessary for official duties, with both BWVC and CCTV footage treated with the same privacy considerations.

(b) Data Storage:

- (i) Video footage must be securely stored, and access must be restricted to authorised personnel.

(A) Retention Periods:

- (1) In line with Tasmanian Archives and Heritage Office (TAHO) guidelines, footage must be retained for a minimum of five (5) years from the date of recording, unless otherwise required by law, regulation, or court order.
- (2) Any overlap with CCTV footage in public spaces should adhere to the same retention policies.
- (3) After five years, recordings should be reviewed for relevance to ongoing investigations or legal matters. If footage is no longer needed, it must be securely destroyed. This applies equally to BWVC footage and CCTV footage.

- (4) For recordings with evidentiary or archival value, retention may extend beyond the standard five years with appropriate authorization and documentation.
- (c) Data Access and Disclosure
  - (i) Recordings may only be accessed by authorized personnel involved in investigations or legal proceedings.
  - (ii) Recordings may be disclosed to third parties only when required by law or if consent is given by the individuals recorded, except in cases where an exemption applies under privacy laws.
- (d) Data Destruction:
  - (i) Once the retention period has expired or footage is deemed unnecessary, video footage must be securely destroyed in accordance with TAHO guidelines and the *Public Records Act 2002 (Tas)*.

#### **4.5 Compliance and Accountability**

- (a) Oversight:
  - (i) Council must implement internal mechanisms to monitor compliance with this policy, ensuring that BWVCs are used appropriately and in accordance with all applicable laws.
  - (ii) Compliance officers' use of BWVCs will be subject to periodic audits.
- (b) Accountability:
  - (i) Compliance officers must document the reason for using a BWVC in any situation where it is used to record. This documentation must include details of the circumstances and purpose of the recording.
  - (ii) Misuse or breach of this policy will be subject to disciplinary action according to the relevant employment policies and procedures.

#### **4.6 Ethical Considerations**

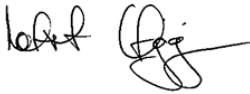
- (a) Respect for Individuals:
  - (i) Compliance officers must ensure that BWVCs are used in a manner that respects the dignity and rights of individuals. Cameras must not be used to intimidate, harass, or discriminate against people.

(b) Minimal Intrusiveness:

- (i) The use of BWVCs must be proportionate to the situation and only used when necessary for fulfilling the officer's duties. Officers should avoid excessive or unnecessary recording.

#### **4.7 Review and Revision**

- (a) This policy will be reviewed annually to ensure it remains compliant with applicable legislation, best practices, and technological advancements. Any amendments or updates will be communicated to all compliance officers, and training will be provided as necessary to ensure adherence to the policy.



Robert Higgins

**General Manager**