Western Bay of Plenty District Council

CCTV Management Plan

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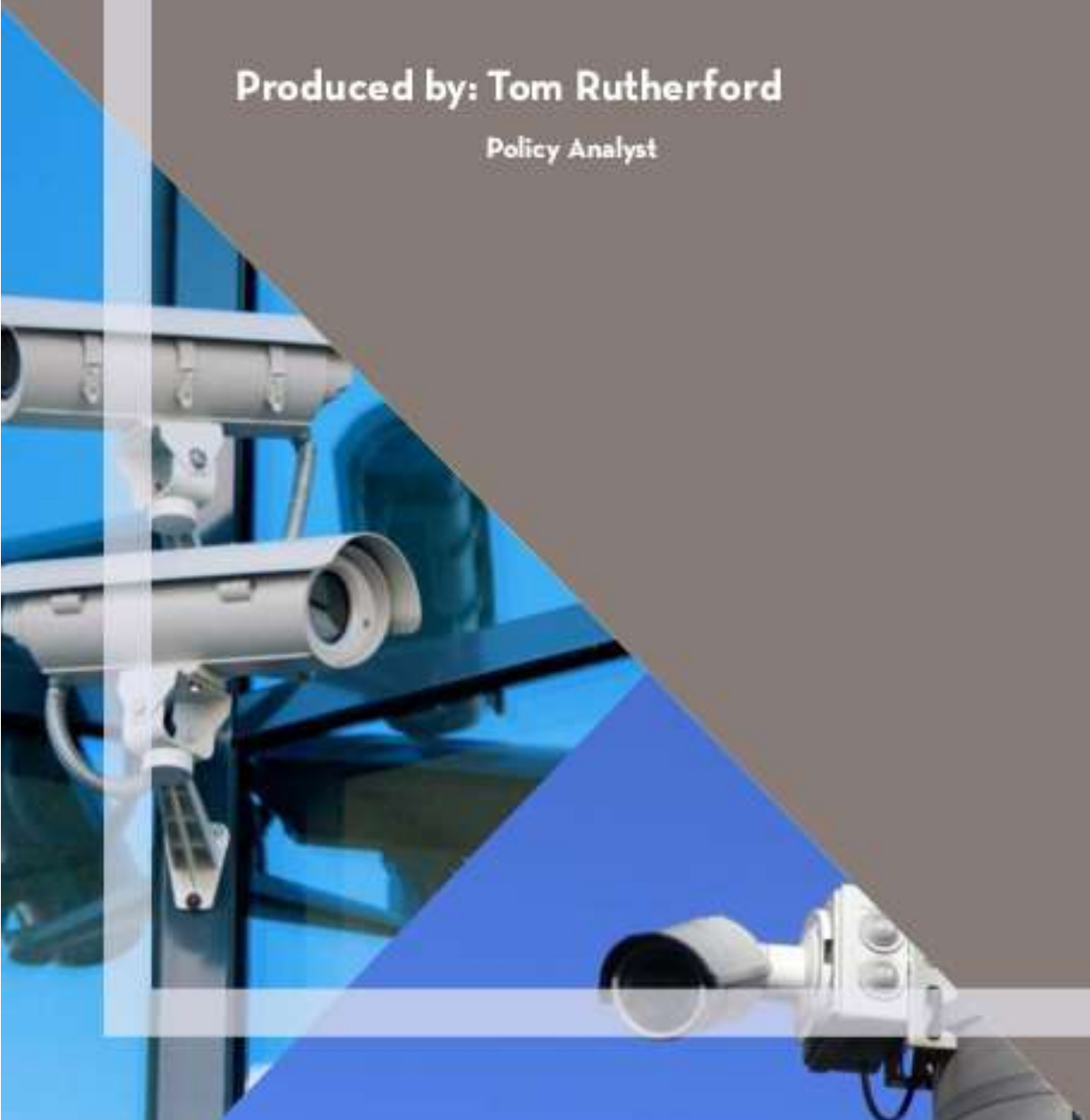

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1. About this plan

This management plan sets out how Council's surveillance system ("CCTV") will be managed to fulfil the purpose and expected outcomes outlined in Section 3 below.

This management plan follows the guidance of the Privacy Commissioner's "Privacy and CCTV" document (October 2009), and complies with the principles of the Privacy Act 2020.

Council's CCTV Policy focusses on the handling of information in terms of compliance with the Privacy Act, such as footage, reporting, resourcing, operational procedures, complaints and audits.

2. Definitions

Authorised person – an employee of a CCTV provider or an employee of the Western Bay of Plenty District Council with delegation to access CCTV footage in accordance with the Privacy Act 2020. NZ Police are considered Authorised Persons when requesting information in accordance with the Search and Surveillance Act 2012.

CCTV Asset Manager – is Council's Strategic Property Manager, and carries out the roles and responsibilities set out in section 11.2 of this Management Plan.

Council Facilities CCTV network – Cameras located on and within council buildings (such as the Barkes Corner Office, service centres/libraries and utilities).
Note: this is a different network of cameras to the District CCTV network.

Council Facilities CCTV Provider – the organisation that Council has entered into a contractual arrangement with the purposes of monitoring the Council Facilities CCTV network.

District CCTV network – the network of cameras installed in public spaces throughout the Western Bay of Plenty district (excluding TECT Park), monitored by the District CCTV Provider.

District CCTV Provider – the organisation that Council has entered into a contractual arrangement with the purposes of monitoring the District CCTV network.

3. Purpose and expected outcomes

Purpose

The purpose of CCTV cameras is to provide a safer environment for the community and to protect Council's assets and infrastructure by:

- Monitoring identified trouble spots, as a deterrent to criminal activity and antisocial behaviour
- Monitoring council assets

Expected outcomes

Council's surveillance system does not prevent criminal activity. However, the network is expected to act as a *deterrent* to criminal activity, and to aid policing matters by *collecting visual evidence* of criminal activities.

Information collected

For clarity, information collected by the surveillance system could include the following:

- Video and still footage
- Number plates (from Automatic Number Plate Recognition cameras)
- Time and date
- A catalogue of notable events in recorded footage (summary of event, location, date and time)
- Traffic statistics

4. Legislative context

The two principle Acts applicable to CCTV are the Privacy Act 2020 and the Search and Surveillance Act 2012. The Local Government Official Information and Meetings Act 1987 also applies in relation to requesting information.

4.1. Privacy Act 2020

The Privacy Act 2020 provides a framework to protect New Zealanders' privacy rights. One critical part of the Privacy Act 2020 is the requirement for mandatory breach reporting in certain circumstances. If organisations experience a privacy breach that could cause serious harm, they must notify the Privacy Commissioner and anyone affected by the breach.

The Privacy Act 2020 outlines clear guidelines around the use of CCTV for businesses, agencies and organisations. In summary, these are:

1. Deciding whether CCTV is right for you
2. Have a clear plan
3. Selecting and positioning cameras
4. Make people aware of the CCTV
5. Collecting only necessary images
6. Using the CCTV images
7. Storage and retention of images
8. Controlling who can see the images
9. Audit and evaluation

Alongside the guidelines for the use of CCTV, the principles of the Privacy Act must also be adhered to. In summary, these are:

1. Personal identifying information may only be collected if it is necessary. It is not to be collected unless for a lawful purpose connected with a function or activity of the agency.
2. Information to be sourced directly from the individual concerned.

3. Individuals need to be aware of the information being collected, the purpose of collection, intended recipients of information, who the collector of information is, the rights to access and collect personal information.
4. No unlawful, unreasonable or unfair collection.
5. Information to be protected from loss, modification, unwanted access or other misuse.
6. Individuals shall be entitled to access information on themselves.
7. Individuals may request correction to information.
8. Information collected is checked for accuracy before use.
9. Information not to be kept for longer than necessary.
10. Information only to be used for the purpose collected, unless it's public information, not unfair, not unreasonable, authorised by the individual concerned, or necessary for law enforcement.
11. The organisation may only disclose personal information in limited circumstances.
12. Information may only be disclosed to organisations in other countries where there are similar protections. Otherwise, they must agree to sufficiently protect the information.
13. Unique identifiers can only be used when necessary. The unique identifier shall not be the same as one given by another agency.

4.2. Search and Surveillance Act 2012

The Search and Surveillance Act covers police powers, enforcement agency powers (which includes local government), warrants, seizing property, retention and disposal of surveillance data, and covert surveillance. Under this Act, Council's surveillance system must not include covert surveillance unless a warrant is first obtained.

5. Existing District CCTV network

As at November 2020, there are 48 CCTV cameras installed in public spaces throughout the Western Bay of Plenty district (excluding TECT Park), including in Te Puke, Maketu, Ōmokoroa, Katikati, and Pukehina, most of which have been installed by the District CCTV Provider. Almost all of these are located within urban areas. Footage from these cameras is linked to a centralised monitoring system in Te Puke.

Cameras located along the State Highway network in the district are owned by Waka Kotahi and operated by Tauranga City Council, and therefore are not included in the scope of Council's proposed policy. While Waka Kotahi do have cameras along the highway network, the only entities which fund cameras in public spaces are Council and our security contractor.

Cameras located on and within council buildings (such as the Barkes Corner Office, service centres/libraries and utilities), have been installed by the Council Facilities CCTV Provider, with footage recorded to a local Network Video Recorder (NVR) and does not link to the same network monitored by the District CCTV Provider. Most footage from those cameras is linked to a centralised NVR, located at Council head office (Barkes Corner). Footage from cameras within TECT Park is stored on site and monitored by TECT Park rangers.

6. Indicative costs and funding

6.1. Approximate capital and operational costs

As at November 2020, surveillance cameras generally cost in the range of $4,000 to $8,000 to install, depending on the type of camera used and location in relation to services (including power and data transmission services). This means that the installation of cameras in rural areas is often more expensive.

The average cost of a camera (including installation costs) to date is approximately $5,800. Some locations may also require on-site power (such as solar panels) and additional telemetry relays for data transmissions, which add to this cost. All cameras are a depreciating asset.

The following figures can be used to approximate the monthly costs of each camera in Council's surveillance network, noting these are indicative figures:

- **Monitoring (per camera):** $135 per month (average)
- **Electricity costs (mains available):** $10 per month
- **Telecommunication costs:** $0 (via telemetry, otherwise $100 per month via broadband)
- **New Camera (including installation):** $5000
- **Replacement Camera:** $3,000

The life of a Camera is generally between 3 and 8 years. The total average operational costs per camera (when including depreciation over a minimum 3-year period, and for telemetry based communications) is approximately $3,673 per year.

6.2. Funding

Budget for the existing surveillance infrastructure shall be included in the Long Term Plan. Through its Long Term Plan, Council will determine an annual budget from which it may allocate funding to new cameras requested by the community, that meet the purpose and criteria set out in this management plan. CCTV required for Council assets shall be funded by the relevant Activity.

7. Maintenance and renewals

Cameras are to be maintained to a level necessary such that footage is clear enough to meet the expected outcomes (per Section 3). That is, footage must be able to be used to aid Police in identifying persons involved in criminal activity, which compromises community safety or damages Council assets.

7.1. Annual reviews

Annual reviews must consider both the quality and necessity of each camera.

Quality

The output quality and general performance of each camera within Council's surveillance is to be reviewed annually. If the output or performance of a camera is

deemed to be substandard (in terms of its ability to meet the expected outcomes), the following considerations should be made:

- Camera position (can the position of the camera be modified to increase the quality and/or performance of a new camera at that location)?
- Technological upgrades (is it appropriate, and within budget, to upgrade the existing camera? The new camera needs to meet the purpose while also being compliant with the principles of the Privacy Act 2020)
- Financing (is there sufficient budget to allow for the replacement of the camera and to pay for the ongoing operational costs)

Necessity

Cameras which no longer meet the purpose of the surveillance network need to be removed, in line with the Privacy Act 2020. Ongoing operational costs will also be saved by removing unnecessary cameras.

As such, in addition to quality and performance, the *necessity* for each camera must be reviewed annually. That is, each camera is to be reviewed with respect to that camera being required to meet the purpose (per Section 3). If a camera is deemed unnecessary, it shall be decommissioned by the end of that financial year.

The method of decommissioning is at the discretion of the CCTV Asset Manager. Any proceeds from decommissioning a camera should be deposited into an asset replacement fund. This will support the purchasing and operational costs of new cameras in the future.

7.2. Service provider reviews

The security monitoring contract shall be reviewed by the Asset Manager every three years (or in accordance with the service provider contract), and be subject to Council's procurement guidelines. This is to coincide with the Long Term Plan development process and should include an in-depth review of current service delivery contracts, the necessity of cameras, long-term budgets, compliance with the Privacy Act, and levels of service, among other matters.

8. Criteria for additional surveillance cameras in the District CCTV network

Additional cameras to the surveillance network must meet the following criteria prior to installation and operation:

- The camera meets the purpose of this management plan (and will not operate outside of the purpose); and
- The Privacy Act 2020 must be adhered to at all times; and
- The location and position of the camera does not view private spaces (unless the camera is equipped to use Privacy Enhancing Technology to block the view of those areas, and the owners of those spaces must be consulted prior to installation); and
- Justification on whether the footage from the proposed camera should be live monitored, or recorded for access when required[1].

[1] Note: Council's general approach for cameras for community safety purposes: urban cameras should be live monitored, and rural cameras should be recorded. A decision will be made by Council on the type of surveillance as part of the Annual CCTV Request Process outlined in section 12.

- Installation costs of the camera are considered reasonable and can be met by the existing budget and meet Council's procurement guidelines; and
- Operational costs of the camera can reasonably be met by the existing budget; and
- The installation of the camera does not have a negative impact on the wider surveillance network in any way; and
- The type of camera is appropriate for the location and to meet the purpose of this management plan (see Section 9.1).

Areas of high criminal activity can be defined using policedata.nz, with data available at meshblock level.

Additional considerations:

- Where multiple cameras have been requested, installations should be prioritised by the amount of criminal activity in that area.
- Existing cameras may be moved from one location to another to improve operational efficiency, and do not need to meet the above criteria.
- Cameras should be monitored on a live 24-7 basis in areas of high criminal activity or in sensitive areas (such as high value assets).
- NZ Police should be consulted on the final position of new cameras, where these are being installed for community safety purposes.

All new cameras require approval from Council through the Annual CCTV Request Process outlined in Section 12. .

9. Deployment strategy

It's acknowledged that over time technology will advance and new types of cameras may become available that will supersede the below. The types of cameras will be reviewed over time.

At the time of preparing this management plan the following specifications are considered fit for purpose.

9.1. Types of cameras

Standard cameras:
For most camera locations, a standard camera should be capable of at least 2 megapixel imagery, include Pan, Tilt and Zoom capability ("PTZ"), and have infrared capability (for night time surveillance).

ANPR (Automatic number-plate recognition) cameras:
ANPR may be used in addition to, or instead of, a standard camera in any location, provided installation and ongoing operational costs can be met. While ANPR cameras can also operate as a standard camera in terms of collecting footage during the day, they are not appropriate for regular night footage (the contrast levels required for capturing number plates at night essentially render other imagery as unviewable).

ANPR cameras would usually be utilised for areas of particular high traffic inflow. Areas such as, entrances and exits into suburbs/towns, should be prioritised for ANPR cameras.

Mobile cameras:

Mobile cameras can be utilised for a variety of reasons and seasons. Fundamentally, mobile cameras should be installed when they are needed for a specific period of time. If an area becomes a hotspot during a particular season and needs additional monitoring for a set period of time, this would allow for mobile cameras to be set up. The criteria outlined in Section 8 must be met by the mobile camera at all times.

Should a mobile camera be necessary, signage must be placed near that camera so that public are aware of the operation, and the list of locations updated whenever the camera is moved. The CCTV Asset Manager will be responsible for authorising new cameras, including the location, installation, and de-installation of mobile cameras.

9.2. Networking

"CCTV" stands for Closed Circuit Television; it is a term which the general public is familiar with. The surveillance network acts as a "closed circuit" to the extent that data transmission from the cameras, either via telemetry, mobile network, broadband or fibre, is only accessible by one network. However, the technology does allow the "circuit" to be opened if needed, for example footage can be shared in real-time with an Authorised person.

The majority of the network is linked to Council's District CCTV Provider, who are based in Te Puke. The network is linked via telemetry, with some linked via mobile network and some via broadband.

Cameras that do not link to the CCTV provider in Te Puke do not have a wider network than their immediate vicinity (see Section 10.3 below for where that information is stored).

9.3. Minimising impacts on privacy

Cameras are to be positioned such that they cannot film private spaces. Where a camera placement cannot avoid private spaces, Privacy Enhancing Technologies (PET) are to be employed to digitally screen out those areas.

Authorised persons are to be trained to proactively monitor activities only within the scope of the purpose of surveillance. Authorised persons will be vetted and trained not to divulge information unless required for law enforcement purposes. Council's District CCTV Provider which monitors live camera footage, also records the actions of their staff in the monitoring room.

10. Operation of surveillance network

10.1. Monitoring

Camera footage which is stored by Council's CCTV provider will be monitored by authorised persons in real-time on a 24 hour, 7-day basis, including public holidays. Criminal incidents which may impact on community safety will be reported directly to police via radio, at the discretion of authorised persons (based on their trained judgement), or otherwise simply recorded for reference or future investigations. The actions of the District CCTV Provider authorised persons are also recorded.

<u>Use of footage</u>

In line with the Privacy Act 2020, information collected by the CCTV cameras will only be used for the purpose for which it was collected. Information collected by the CCTV cameras will be used for:

- Detection of criminal offences or other activity which may pose a risk to community safety, or which may damage/disrupt Council assets, which occur in view of the cameras.
- In the case of a criminal offence, footage may be given directly to the police either in real time or delayed, or described via audio (such as via police radio), in accordance with Principles 10 and 11 of the Privacy Act 2020.
- Monitoring of Council assets and facilities to support asset management and to inform decision-making by monitoring use and demand.
- Other matters, with prior approval given by the CCTV Asset Manager, provided the matter complies with legislation.

10.2. Access to information

Access to live camera footage and stored information by the security contractor is limited to:

- Security Contractor personnel (who have been vetted by Police)
- Western Bay of Plenty District Council staff (who have delegated authority to do so)
- New Zealand Police
- People approved by the CCTV Asset Manager who have a valid interest in live and stored information that meets current legislative thresholds.

Access to live camera footage and stored information which is not held by Council's CCTV provider is limited to authorised persons.

In accordance with Principle 6 of the Privacy Act 2020, any individual may request footage of themselves. Proof of identity is required to ensure that the request is indeed from the individual concerned. The Local Government Official Information and Meetings Act 1987 allows Council the right to charge for the time incurred to retrieve the information for requests which take considerable time to complete.

Authorised persons

Any authorised persons that have access to live camera footage and stored information, must adhere to the principles of the Privacy Act 2020 at all times.

Western Bay of Plenty District Council staff must have authorisation by either the Chief Executive or the CCTV Asset Manager.

A log shall be maintained by the CCTV Asset Manager of all access to the CCTV data. The log shall record the name of the person who accessed the data, the purpose of the access, the day and time of access, the duration of access and the outcome of/or action taken because of accessing data.

10.3. Storage of information

Information collected through the surveillance network will be stored securely by Council's CCTV provider, except for the following locations:

- TECT Park
- Council head office (Barkes Corner)
- Pātuki Manawa - Katikati library and service centre
- Te Puke library and service centre
- Waihi Beach library and service centre
- Kiwicamp facilities
- Other locations determined by the CCTV Asset Manager

Information stored by Council's CCTV provider is stored at the contractor's headquarters; footage is held for a period of up to 60 days.

Information not stored by Council's CCTV provider is stored on site at those locations. Footage is generally held for up to 30 days.

10.4. Signage and public awareness on Council-owned land

Signage advising of CCTV installation will be installed on the main entrance doors and at reception where installed inside buildings. For CCTV surveillance outside, members of the public should be able to view a sign advising of camera operation before moving into coverage area. Where portable cameras are installed and shifted around at intervals, Council will need to ensure that signage for cameras is also moved. The erection and maintenance of the signs is the responsibility of the Council.

11. Responsibilities

11.1. Authorised persons

Authorised persons, which are either authorised by the Chief Executive, the CCTV Asset Manager, or are staff of Council's CCTV provider, must at all times comply with the Privacy Act 2020, and be vetted by NZ Police. NZ Police may also monitor CCTV footage. Monitors (screens displaying footage) shall, as far as possible, not be located in such a position that would enable them to be viewed or accessed by any other staff or members of the public.

Any confirmed breach of access to the Council's CCTV footage will be treated as non-compliance with the Council's workplace standards and subject to disciplinary action.

11.2. CCTV Asset Manager

Council shall at all times have a staff member assigned to the role of CCTV Asset Manager. The CCTV Asset Manager is responsible for the purchase of new and replacement cameras, to give effect to Council decision making.

The CCTV Asset Manager is responsible for authorising which staff can view CCTV footage (except for staff of District CCTV Provider and Council Facilities CCTV Provider), ensuring new installations meet the expectations of this management plan, annual reviews, and triennial reviews of the CCTV network.

The CCTV Asset Manager is responsible for facilitating an annual process with elected members to allocate the CCTV budget as set out in Section 12.

The CCTV Asset Manager is responsible for keeping an up to date list of surveillance cameras across the district on Council's public website.

The CCTV Asset Manager is responsible for maintaining a log of all access to the CCTV data. The log shall record the name of the person who accessed the data, the purpose of the access, the day and time of access, the duration of access and the outcome of/or action taken because of accessing data.

The CCTV Asset Manager is responsible to report on questions as proposed by elected members, community boards, ward forums and district residents.

The CCTV Asset Manager is responsible for the managing of the district and facilities networks. Any cameras that have been procured for asset protection services are the responsibility of the relevant activity manager.

The asset manager shall be the person who holds Council's role of Strategic Property Manager.

12. Annual CCTV Request Process

The CCTV Asset Manager will organise each year for the budget of the fund available to be advertised and will facilitate the process for applications to be made.

Community boards, ward forums and district residents shall make applications for the installation of new CCTV cameras through the Annual CCTV Request Process.

Each applicant must ensure that their application has been fully completed, meets all the criteria set out in Section 8 and is submitted by the closing date specified in the advertisement.

An assessment panel will rank each application against the criteria outlined in Section 8 of this Management Plan.

A decision on the successful applicants will be made by elected members through the relevant Council committee.

The CCTV Asset Manager will be responsible for notifying successful and unsuccessful applicants following Council's decisions, and the procurement of cameras in accordance with Council's decisions.