

Body Worn Cameras Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. A hard copy of this electronic document is considered uncontrolled when printed.

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1. POLICY STATEMENT

South Burnett Regional Council ('Council') has developed this policy to outline the principles relating to the use of Body Worn Cameras ('BWC') and the management of the recorded data.

2. SCOPE

This policy applies to all Council representatives who may use BWC devices and/or Digital Evidence Management Software ('DEMS') and the subsequent management of any recordings captured by BWC devices.

This policy does not apply to the administration and operation of:

- fixed Closed-Circuit Television ('CCTV') systems; and
- covert camera surveillance devices deployed for investigative purposes.

3. GENERAL INFORMATION

Council authorises the use of BWCs in circumstances where an Authorised Officer ('AO') is 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 an AO in the execution of their duties;
- provide a record of the interaction between an AO 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 AOs; and
- assist in circumstances where an AO may consider an interaction may develop into an incident.

3.1. Data Management

Any BWC data must not be deleted from the BWC by an AO 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.

Members of the public who have been identified as being recorded by a BWC may request access to footage, as per the *Right to Information Act 2009* and *Chapter 3* of the *Information Privacy Act 2009*.

Council's Information Management Recordkeeping Policy should be referred to as this policy outlines the principles for capturing and correctly managing Council's corporate records by striving for recordkeeping best practice throughout Council's operations.

3.2. Training

All Council representatives required to use a BWC will receive training which includes:

- practical use of equipment;
- operational guidance; and
- legal implications of using such equipment.

3.3. Use and Security

All BWCs will be stored in a secure location when not in use. These will be issued to individual officers, who will be responsible for the correct operation of the device, including ensuring they are fully charged before each use.

The loss or theft of any BWC is to be immediately reported to the relevant Supervisor to ensure that an investigation can be undertaken to minimise loss, particularly the loss of any recordings containing personal information remaining on the BWC.

BWCs will be used at all times when the AO is exercising their powers and will be worn on a prominent location of the body, uniform or clothing.

Where practicable, AOs will inform the individual (or group) that the BWC is recording. However, it is acknowledged that this is not a legal requirement in the State of Queensland and as such, there may be occasions when to do so would escalate the incident or put the AO in danger if such a warning was given.

4. DEFINITIONS

Authorised Officer ('AO') means a person who:

- is employed by Council; and
- has the delegations and competencies that the Chief Executive Officer ('CEO') considers are necessary to perform the duties and responsibilities that are required under this policy.

BWC means Body Worn Camera.

Council representative means all Councillors and Council employees including permanent, casual and temporary employees, apprentices, trainees, contractors, volunteers, and work experience students.

Incident means any of the following:

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

Personal information means information about an individual whose identity is apparent or can be reasonably ascertained from the information. Personal information may include an audio and/or video recording.

5. LEGISLATIVE REFERENCE

Information Privacy Act 2009 (Qld)

Invasion of Privacy Act 1971 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Public Records Act 2002 (Qld)

Right to Information Act 2009 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Information Management Recordkeeping Policy – Statutory039

South Burnett Regional Council Information Privacy Policy – Statutory038

South Burnett Regional Council Surveillance Camera Operations Policy – Statutory051

South Burnett Regional Council Surveillance Camera Operations Procedure – Procedure091

7. NEXT REVIEW

As prescribed by legislation or February 2025

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	22 February 2023	2965285


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CHIEF EXECUTIVE OFFICER

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