



BODY WORN CAMERA POLICY

Human Resources
YASC POL 29 – V4



2024

YARRABAH ABORIGINAL SHIRE COUNCIL
56 Sawmill Rd Yarrabah, QLD 4871

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1. LEGISLATION AND AUTHORITY

The Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Public Records Act 2009 (Qld)
Right to Information Act 2009 (Qld)
Information Privacy Act 2009 (Qld)
Privacy Act 1988 (Cth)
Code of Conduct

2. COUNCIL'S STATEMENT

Yarrabah Aboriginal Shire Council ('Council') conducts its business with integrity, honesty and fairness. All employees are expected to work within the rules and actions of Council will comply with all relevant laws, regulations, codes and corporate standards.

Everyone representing Council must reflect the highest standards of behaviour. Our relationships are critical to the ongoing success of our organisation. Our leaders have responsibility for fostering a culture where ethical conduct is recognised, valued and applied at all levels.

This policy is to be read in conjunction with relevant legislation and the Code of Conduct, which outlines our standards of behaviour and workplace culture are in accordance with Council's principles:-

PURPOSE

The purpose of the Yarrabah Aboriginal Shire Council (YASC) Body Worn Camera Policy is to outline the principles relating to the use of body worn cameras (BWCs) and the management of the recorded data.

3. COMMENCEMENT OF POLICY

This Policy replaces all other Body Worn Camera policies of YASC (whether written or not).

4. APPLICATION OF THE POLICY

This policy applies to YASC controlled and managed CCTV systems installed within its premises and in public spaces.

The policy also applies to all YASC employees and contractors and other parties involved with the installation, management and maintenance of YASC's CCTV cameras, and who may access footage from time to time.

YASC 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.

5. RESPONSIBILITIES

Officers issued with a BWC:-

- 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. RETENTION AND DESTRUCTION OF RECORDINGS

To minimise intrusion upon the right to privacy, unless further preserved under this policy or required by law all BWC records are to be destroyed not earlier than 21 days and not later than 60 days after the record is created.

A BWC record is to be further preserved under this policy if:

- in the assessment of the Chief Executive Officer or Director – Human Resources, Risk & Regulations, the preservation of the record is in the council's interest for any reason and is directly related to a function or activity of the Council;
- the particular record is required as evidence in a potential legal proceeding;

- a request to access the particular record is received from a law enforcement or government regulatory agency (for example the police service, the fire service, or another government body with the responsibility for enforcing laws);
- a request to access the particular record is received from any party other than a law enforcement or government regulatory agency; or
- an extract of the record is made, whether or not that extract is provided to a third-party.

(Note: the receipt of a request for access to a particular record will make that record a “public record” under the Public Records Act 2002 and trigger a requirement that the record be retained in compliance with that Act.)

Unless preserved under this policy, copies of downloaded recordings shall be retained for a period of 12 months.

7. DISCLOSURE OF BWC FOOTAGE

Requests from QPS or other Law Enforcement Agencies.

- The Information Privacy Act 2009 allows Council to disclose personal information to law enforcement agencies, including the Queensland Police Service (QPS), if the personal information is ‘reasonably necessary’ for a law enforcement activity. This includes personal information contained in BWC footage.
- Each request will be assessed on a case-by-case basis.
- When BWC footage is disclosed for law enforcement purposes, a record of the disclosure will be included with the footage. Council will meet this requirement by keeping a copy of the footage and including it with it a record of the agency’s compliance with the request.

Formal Access Applications under the Information Privacy Act or Right to Information Act

- If an individual requests access to BWC footage and the footage shows only that individual, Council may be able to release the footage administratively.
- If there are other identifiable people in the footage, or an organisation or company requests access to footage containing identifiable people, it is not possible for Council to release the information administratively unless the footage can be securely redacted to remove personal information.
- In these circumstances, a formal application under the Information Privacy Act 2009 or Right to Information Act 2009 will be required.

8. APPROVAL TO USE BWCS

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

- Chief Executive Officer
- Directors
- Infrastructure Manager
- Local Laws (Authorised Persons) Officers

9. 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.

10. VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

11. DOCUMENT CONTROL

Adoption Date:	26 May 2021	Resolution No. 06:26/05/2021	Version No. 1
Amended Date:	18 May 2022	Resolution No. 09:18/05/2022	Version No. 2
Amended Date:	29 June 2023	Resolution No. 11:29/06/2023	Version No. 3
Reviewed Date:	26 July 2024	Resolution No. 12:26/07/2024	Version No. 4
Next Review Date:	2025		
Responsible Officer:	Chief Executive Officer		



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Chief Executive Officer