

# Procedure

## Workplace Surveillance – Management and Operation of CCTV within NBMLHD

<b>Intended Audience</b>	NBMLHD Head of Security/Master Security Licence Holder Close Associate & Workforce Safety & risk Management, Security Managers within NBMLHD, Security Staff, All staff & Workforce People and Culture
<b>Related Policy Directive</b>	<a href="#">Electronic Information Security PD2020 046</a>
<b>Context</b>	This procedure outlines the purpose and objectives of utilising closed-circuit (CCTV) within Nepean Blue Mountains Local Health District (NBMLHD).

### Definitions

<i>Surveillance of an employee</i>	<i>Camera Surveillance which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place</i>
<i>Overt Surveillance</i>	<i>Surveillance that is conducted in line with Part 2 of the NSW Workplace Surveillance Act 2005 and as outlined in the procedure.</i>
<i>Covert Surveillance</i>	<i>Surveillance of an employee while at work, carried out or caused to be carried out by the employer, and not carried out in compliance with the requirements of Part 2 of the <a href="#">NSW Workplace Surveillance Act 2005</a>. Surveillance of an employee is an offence unless the surveillance is authorised by a covert surveillance authority.</i>
<i>Surveillance Information</i>	<i>Information obtained, recorded, monitored, or observed as a consequence of surveillance of an employee.</i>
<i>Surveillance Record</i>	<i>A record or report of surveillance information</i>
<i>Observation for Safety</i>	<i>Non recording cameras installed as the result of a risk assessment for internal service clinical staff viewing within a high-risk patient care location</i>

## Procedure

NSW Health Agencies are required, in consultation with staff, other duty holders security experts to identify locations in buildings and grounds where overt camera surveillance may be of assistance and clearly identify the purpose for each closed circuit television (CCTV) in relation to the security risk management program, i.e. is the purpose of the camera surveillance to provide a visual deterrent, to support access control measures or to be used identify an incident where a duress response/code black response is required.

NSW Health Agencies are required to ensure, in consultation with and other duty holders, that where the camera surveillance is used as part of a security risk management program, effective procedures are implemented that are consistent with relevant legislation, including the

[NSW Workplace Surveillance Act 2005](#)

*NBMLHD does not undertake covert surveillance of employees, visitors or patients.*

### 1. Procedure

#### 1.1 Objectives

The primary objective of CCTV surveillance within NBMLHD is:

- To enhance safety of NBMLHD premises and persons within NBMLHD facilities through active recording and signage regarding CCTV to protect the assets and property of the LHD and persons on the premises including staff, patients, visitors and contractors to assist in the identification and prosecution (or taking of disciplinary action) of persons in relation to criminal or other misconduct.
- To assist with deterring criminal activities.

#### 1.2 Installation and Use

Surveillance cameras may be installed and operated only:

- Under the supervision of the facility or site Security Services in accordance with the [NSW Workplace Surveillance Act 2005](#) the [NSW Health Protecting People and Property Manual](#) and related Nepean Blue Mountains Local Health District policies.

Any additional installation or relocation of CCTV cameras on all NBMLHD owned sites must be done only under the following conditions:

- In accordance with legislation and [NSW Health Protecting People and Property Manual](#), and; When the proposed camera installation/location meets one or more of the objectives above, and a risk assessment is completed in consultation with staff, other duty holders under the NSW WHS Act, and security experts, and with the approval of the facility Security Managers and district Security & Violence Prevention Program Manager.

### **1.3 Signage and Notice Requirements**

All signage for NBMLHD are to be clear and identify the NBMLHD Security Master Licence Number; to notify people that they may be under camera surveillance. All signage must be posted at each entrance to any property at which CCTV is installed and operating, and must also be in the vicinity of any operational surveillance camera.

All new signage for the District is to be reviewed prior to production by the:

- Facility Security Manager
- District Security and Violence Prevention Program Manager

The signs are to contain pictures as well as words identifying the CCTV. Where feasible, signage in languages other than English is to be posted, particularly at sites catering to multicultural clients and patients.

NBMLHD Patient Information brochures will also include information on CCTV surveillance at the site.

All surveillance cameras must be clearly visible.

At least 14 days prior to a new camera being installed and operational at a site, written notice is to be provided by the General Manager / Service Director or their delegate to all employees on the site of:

- The type of surveillance to be carried out (i.e. camera)
- How the surveillance will be carried out
- When the surveillance will start
- Whether the surveillance is continuous or intermittent
- Whether the surveillance will be for a specified limited time or ongoing
- The notice can be issued via email or letter and is to be issued to all employees who usually work at the site
- All new employees commencing with NBMLHD are advised of workplace surveillance at NBMLHD sites via their letter of offer

### **1.4 Monitoring of Camera Surveillance Images**

Where CCTV is installed and has been identified by a risk assessment to be for the purpose of actively identifying incidents that are escalating so a response can be activated, it must be continuously monitored or managed in a way that ensures an appropriate response is activated in the event of a violent incident.

Site Security Managers, and Operations/Corporate Managers in consultation with District Security and Violence Prevention Program Manager will periodically review the number of security incidents, the responses to security incidents and the effectiveness of CCTV monitoring and other security measures and make recommendations to the site Executive as needed.

## 1.5 Storage and Retention of CCTV Information and Records

Images will be monitored by staff authorised to do so. Monitors will be visible from staff areas only.

Images will be retained for a minimum of 21 days except where:

- An incident has been reported or detected, or
- Where the LHD has been requested by a Law Enforcement Agency or the Health Care Complaints Commission to retain or produce the images for use in connection with the detection, investigation or prosecution of an offence.
- Decisions to retain images for more than 21 days must be recorded in writing by the Security Manager, providing reasons for the decision.
- The Director Workforce People and Culture is to approve the retention of images of an incident and images of other locations and times which may contribute to the proper investigation of an incident.
- Recordings required for evidentiary purposes that become part of the records of an investigation or criminal or court proceedings should be managed and disposed of in accordance with the requirements for that class of record, which may range from 10 years to 75 years as required as State Archives, as per NSW State Archives and Records Retention and Disposal Authorities.
- Retained images must be securely stored, retained and managed to ensure access is limited to authorised persons and only for permitted purposes in accordance with relevant LHD policies and procedures.

## 1.6 Use of Recorded Images

Recordings and images from surveillance cameras may be reviewed and/or stored for the purposes outlined above, and also for:

- a purpose that is directly or indirectly related to civil or criminal proceedings
- investigation of a complaint by the Health Care Complaints Commission
- a purpose necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person [Privacy and Personal Information Protection Act 1998 No 133](#), Section 17(c) and Section 18 (c)

## 1.7 Privacy and Personal Information Protection Act 1998 – exemptions

[Section 23 of the Privacy and Personal Information Protection Act 1998 No 133](#) provides information for authorised NBMLHD officers (Security Managers and Hospital Executives) about exemptions from information protection principles.

### Section 23, Clauses 1 and 2:

Principles around the collection of private information directly from an individual (Section 9) do not apply to:

- a law enforcement agency (such as the Police or Corrective Services) if compliance by the agency would prejudice the agency's law enforcement functions

- a public sector agency (such as the Police, NBMLHD, SafeWork NSW or the Health Care Complaints Commission) if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

### **Section 23, Clause 5:**

Principles around the limits on disclosure of personal information (Section 18) do not apply to a public sector agency (such as the Police, NBMLHD or SafeWork NSW) if the disclosure of information concerned:

- is made in connection with proceedings for an offence or for law enforcement purposes (including the exercising of functions under or in connection with the Confiscation of Proceeds of Crime Act 1989 or the Criminal Assets Recovery Act 1990), or
- is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- is authorised or required by subpoena or by search warrant or another statutory instrument, or
- is reasonably necessary:
  - For the protection of the public revenue, or
  - In order to investigate an offence where there are reasonable grounds to believe that an offence may have been committed.

## **1.8 Release of CCTV images**

The Director People and Culture can approve the provision of images from surveillance cameras to persons who are conducting LHD disciplinary investigations and/or Law Enforcement Agencies and/or the Health Care Complaints Commission for the purpose of investigation.

The site Security Manager should assess the appropriateness of requests for surveillance records and can only approve the provision of images for Law Enforcement Agencies

The completed Request Form must be stored in the District's Electronic Document Records Management System (Content Manager).

Disclosure must be made subject to reasonable restrictions on misuse or further disclosure of any included personal information, in accordance with [Privacy and Personal Information Protection Act 1998 No 133](#).

Persons or Agencies requesting the release of images from surveillance cameras must complete Appendix B – Request Form for NBMLHD CCTV Recorded Material.

In all cases where information is provided to an investigative agency, Security Services must:

- seek and document proof of identity of the person seeking the information
- if in doubt about whether to supply the information, seek advice from the line Manager
- provide access only to information that is relevant and necessary for the purpose
- document all instances of access.

- Ensure correct documentation is completed by requesting agency.

## 1.9 Compliance and Evaluation

There will be a bi-annual review covering at least the following:

- Whether the purposes and objective statements remain valid
- Changes to the extent of the system
- Changes to legislation
- Data protection requirements
- Maintenance and performance of the system

## 1. Responsibilities

### 2.1 District Audits

All NBMLHD District Security Managers; *Nepean Hospital Security Manager, Blue Mountains District Anzac Memorial Hospital Security Manager and Lithgow and Portland Hospitals Patient Services Manager*:

- Conduct Annual Audits of the requirements for CCTV, other security measures and action system fault reports for remediation. Maintain system management and operation documents in line with standard guidelines. Such documents should include hard copy portfolio of agreed field of view images, relevant training and should be retained in the security office to serve as a reference.
- Ensure reporting of faults and audits are reported to Facility Security Managers and the District Security and Violence Prevention Manager.
- Be responsible for the operational procedures of CCTV surveillance and the security of surveillance information and records.
- Each District Facility Security Manager will conduct annual audits. All audits are to be forwarded to District Security and Violence Prevention Manger.
- Ensure Requests from NSW police or Federal Police in relation to the retrieval of footage are actioned in a timely manner
- Maintain a database of all CCTV's that indicates, as a minimum:
  - Field of View
  - Camera Number
  - Camera Recording Period
  - Med for Supply of footage
  - Location
  - Live Feed Location
  - Purpose of Camera

At least annually (year)

- Validate the camera location risk assessments and optimise the purpose of each camera, ensuring any foliage grown in view of CCTV is trimmed to maintain optimum view of areas.

- Conduct the review in accordance with guidelines provided in protecting people and property: Chapter 13 – Workplace camera surveillance and A/NZS4806.1-2 2006 Closed circuit Television (CCTV) Management
- Update the database accordingly

## **2.2 All LHD sites Security Services will:**

- Ensure appropriate resourcing for the monitoring of CCTVs. **(Nepean Hospital Campus only)**
- Periodically review and assess the requirements for CCTV and other security measures.

## **2.3 General Managers**

- Provide a safe workplace by committing resources for CCTV and other security measures
- Provide authorisation for appropriate requests for the release of CCTV surveillance records

## **2.4 Security Staff will:**

- Ensure no unapproved or general public viewing of CCTV screens or footage
- Report system faults for remediation
- Periodically check system field of view images for all cameras – request for maintenance submitted if needed
- Assist the security manager to maintain the CCTV database and Conduct audits of CCTV systems to ensure compliance with Protecting People and Property Chapter 13 – Workplace camera surveillance

## **2.5 Other Staff will:**

- Monitor systems as required within their designated workplace where in place.
- Report system faults for remediation

## **Implementation Plan**

To support the implementation of a new policy or procedure an implementation plan will be included in the document and will include:

- Timeframe (timeframe should be limited to 3 months)
- Communication strategy
- Education strategy
- Aboriginal Health Impact Statement
- Resource requirements
- Systems for monitoring compliance
- Identification of lead manager.

## Risks of Non-Compliance

- Failure to comply with General Data Protection Regulation and Privacy Act.
- Failure to comply with legislative requirements as indicated within Workplace Surveillance Act 2005 NSW.
- Failure to comply with legislative requirements as indicated within The Surveillance Devices Act 2007 (NSW).
- Non-compliance with NSW Health Policy requirements as set out in Protecting People and Property Manual.
- Failure to meet obligations under WHS Act 2011 to consult with workers around changes.

## Risk Rating

This procedure has been risk rated as: High

## Aboriginal Health Impact Statement

The health needs and interests of Aboriginal people have been considered, and appropriately addressed in the development of this initiative and in accordance with the Aboriginal Health Impact Statement Policy Directive (PD2017\_034).

## References and Related Policies

[NSW Workplace Surveillance Act 2005](#)

[Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

[Health Care Complaints Commission Act 1993 – Section 34A](#)

[NSW Health Protecting People and Property Manual – Chapter 13](#)

[Fact sheet – NSW Public sector agencies and the GDPR](#)



## Review Date and Version History

All new procedures require review within 12 months. Following this review, the procedure will then fall due according to the risk rating applied above and the version history is to be amended accordingly.

Date	Version	Amendments	Principal contact and position
6.10.2023	0.1	Draft	Workforce Projects & Policy Advisor
13.11.2023	0.2	<ul style="list-style-type: none"> <li>Amended to include Security Master Licence for all signage</li> <li>Annual Audits to be conducted of all CCTV equipment</li> <li>Specification of all Security Managers</li> </ul>	Manager ER&IR District Security & Violence Prevention Program Manager Workforce Projects & Policy Advisor
23.11.2023	0.3	<ul style="list-style-type: none"> <li>Formatting corrected</li> <li>Reference to new starter pack removed</li> </ul>	Workforce Projects and Policy Advisor
20.2.2024	0.3	<ul style="list-style-type: none"> <li>Media Request form amended</li> </ul>	Workforce Projects and Policy Advisor
26.2.2024	0.4	<ul style="list-style-type: none"> <li>Intended Audience amended</li> <li>Reference to Lithgow Security Manager changed to Patient Services Manager               <ul style="list-style-type: none"> <li>Formatting and grammar changes</li> </ul> </li> </ul>	District Security & Violence Prevention Program Manager Workforce Projects & Policy Advisor
12.6.2024	0.5	<ul style="list-style-type: none"> <li>Risks of Non-compliance added</li> </ul>	District Security & Violence Prevention Program Manager
4.7.2024	1.0	<ul style="list-style-type: none"> <li>Final Version</li> </ul>	Workforce Projects and Policy Advisor