

Use of Body Worn Cameras (BWC) Policy

1 Purpose

The District Council of Mount Remarkable utilises Body Worn Cameras (BWC) to:

- Ensure the security and safety of council staff and community members.
- Protect council's assets from damage.
- Gather information to support council operations.
- Increase the chances of apprehending offenders.
- Record evidence to support expiation proceedings by Council's Authorised Officers and support investigations and prosecutions by SAPOL to offences on Council Employees, land and facilities.
- Ensure correct management of records to protect the privacy and confidentiality of the information collected.
- Assist with investigations involving allegations made against Authorised Officers.

2 Scope and Implementation

Scope

This Policy applies to:

- Data captured through Body Worn Cameras (BWC).
- Council Employees (primarily Authorised Officers)
- Consultants/Lawyers/Contractors
- Community Members

Implementation

Legislative Requirements

This Policy takes into account the requirements of the *Surveillance Devices Act 2016*, the *State Records Act 1997* and the *Freedom of Information Act 1991*.

The primary purpose of a surveillance device is to enhance the safety of the community and protect council staff and property. However, data captured by a surveillance device constitutes an "official record" for the purposes of the *State Records Act 1997*.

The *Freedom of Information Act 1991* facilitates access by the members of the public to records held by council. Official records of council, including data captured by council surveillance devices, may be accessible to an applicant under the *Freedom of Information Act 1991*.

Use of body cameras

Body worn cameras must not be activated when officers are performing administrative duties and must be deactivated when entering District Council of Mount Remarkable facilities. Body worn cameras will only be activated when they will be required in an official capacity as part of an active incident or investigation.

All recordings in a private premises or dwelling shall be with the consent of the occupant, unless the recording is part of an active investigation and or incident, or the recording is being captured under the legislated authority of an authorised officer.

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3 Key Principles

This Policy is based on the following principles:

- The Body Worn Camera program will be administered fairly, in line with legislative requirements, and only for the purposes for which it was established.
- Surveillance devices must be used only in accordance with this Policy.
- Surveillance devices must be operated in a manner that respects the privacy and civil liberties of members of the public, including rights relating to religious and political expression and peaceful assembly.
- The public interest will be protected through secure, consistent and accountable operational procedures for the use of surveillance devices.
- The Operations Manager is responsible for ensuring compliance with the purposes and objectives of this Policy, including oversight of the program's maintenance, management and security, and protection of the public interest.
- Access to surveillance monitoring equipment must be limited to authorised staff and safeguarded against unauthorised access.

Recorded material will be retained and accessed only for the purposes outlined in this Policy, or as otherwise permitted or required by applicable laws, and in accordance with any requirements for the retention and disposal of personal information under the *State Records Act 1997* (SA).

Public Notification of the Use of a Body Worn Camera

Authorised Officers should inform all parties that a BWC is being worn and the conversation is recording both sound and images. If there is no objection, implied consent can be assumed to have been given.

If parties do object to the recording of the conversation, the camera should be turned off, unless the Authorised Officer believes that it is reasonably necessary for the protection of the lawful interests of the Officer or assets.

Access to surveillance (BWC) data

Internal Access

Body Worn Camera data shall only be accessible to authorised staff, including General Manager Community Connection, Manager Infrastructure and Regulatory Services, Operations Manager or Administration Officer – Community and Regulatory Services, or other staff as approved by the Senior Leadership Team (SLT).

Access to the data shall only be for the purposes, as listed below:

- Reviewing data by relevant staff member, as part of an investigation.
- Reviewing or investigating data due to a known incident or accident.
- Where a complaint has been made by a member of the public or another staff member and reviewing the data will assist with making business improvements and/or performance management.
- Quality assurance audits, aimed towards improving service delivery and operation management.

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- Using images/videos to help inform operational decisions for Council.
- Other circumstances approved by the Chief Executive Officer (CEO).

Camera footage should not be shown or distributed to Council Members or Council Employees without the permission from the CEO or relevant General Manager.

Camera footage should not be edited or redacted, except where editing or redaction is required to make a copy of the data which excludes any exempt matter prior to access being granted in accordance with the FOI Act. If a copy is made, a copy of the un-edited and un-redacted recording must also be retained in accordance with the State Records Act.

Access by government agencies

Government authorities may access data without making an application under the FOI Act where it is appropriate and reasonable to do so, or where access is otherwise permitted or required under another Act or law.

An appropriate and reasonable request includes a request for records by a law enforcement or inquiry agency, including where personal information is disclosed as part of an investigation into unlawful or suspected unlawful activity, or where there are reasonable grounds to believe that a person may engage, or has engaged, in illegal activity or serious misconduct. Such government agencies may include, but are not limited to:

- South Australian Police (SAPOL)
- Environmental Protection Agency (EPA)
- Australian Federal Police (AFP)
- Independent Commission Against Corruption South Australia (ICAC)

Access by the public

The *Freedom of Information Act 1991* (FOI Act) enables members of the public to request access to records held by Council by lodging an FOI application. Official Council records, including data captured by a BWC, may be made available to an applicant under the FOI Act. Access will only be considered once a valid FOI application has been received.

Documents and/or data must not be released where they are, or may be, exempt documents under Schedule 1 of the FOI Act.

In accordance with Section 26 of the FOI Act, access to documents and/or data must not be granted where the footage may contain information relating to the personal affairs of any person, unless the views of that person have first been sought.

Footage must not be shown or distributed to members of the public unless the relevant provisions of the FOI Act have been applied.

Register of access

A register shall be created and maintained, where access to data is provided to internal or external parties, under this Policy. The register shall include the following information:

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- The name and details of the person who was granted permission to access the footage.
- The name and details of the person who approved access to the footage.
- The reasons why the access was provided, referencing the FOI Act.

Version History

Version No.	Description of Changes	Effective Date
V1.0	Implementation of Use of Body Worn Cameras (BWC) Policy	21/07/2026

Document Details

Document Owner	General Manager Community Connection
Document Type	Insert the documents classification Council/Statutory
Policy Number	04.53
Relevant Legislation	List all the applicable legislation: <i>Local Government Act 1999</i> <i>Surveillance Devices Act 2016</i> <i>Freedom of Information Act 1991</i> <i>State Records Act 1997</i>
Related Documents	District Council of Mount Remarkable Privacy Policy 04.17
Availability	This Policy is available for inspection at the Council office, and any person may obtain a copy of this Policy upon payment of the fee fixed by Council in accordance with Council's Fees and Charges adopted each financial year. It is also available on Council's website District Council of Mount Remarkable . Any grievance in relation to this policy or its application should be forwarded in writing to the Chief Executive Officer of the Council.
Review period:	Reviewed within 12 months following the conclusion of a periodic election, inline with legislative changes or by resolution of Council.
Last reviewed:	N/A
Public Consultation required/ undertaken	Public Consultation is not required prior to adoption
Council/Committee Endorsed	Council