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WORKPLACE SURVEILLANCE

Strategic Outcome:	Good government
Policy type	Administrative
Date of Adoption:	10 October 2022 Minute Number: ELT 10.10.2022
Date for Review:	12 October 2026
Responsible Officer:	Director Corporate Services
Document Control:	New policy
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance

1. POLICY STATEMENT

Council recognises its obligations to ensure where reasonably practicable, a safe and healthy workplace for its employees, customers and others in the workplace.

The use of certain surveillance devices has the potential to deter vandalism or a possible assailant and reduce the safety risks associated with employees, customers and others in the workplace.

The use of certain surveillance devices also assists management to optimise performance, improve efficiency and improve customer service.

The provisions and use of fleet management surveillance allows Council to identify the geographical location of a worker if they are in need of emergency assistance.

While Council does not intend to use surveillance methods or data to monitor staff movements, it may from time to time, or with cause, access surveillance systems and data records in order to investigate complaints or conduct as part of workplace investigations as appropriate.

2. PURPOSE

The policy is designed to:

- guide management on the appropriate use of workforce surveillance in line with the *Workplace Surveillance Act 2005* (the Act); and



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- inform workers of the methods of workforce surveillance used by the Council and how surveillance information will be treated.

3. SCOPE

This policy applies to all Council officials, employees and those who work on Council premises.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance

5. DEFINITIONS

Camera surveillance: surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place

Computer surveillance: surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer or other electronic devices such as telephones and tablet devices. This includes but not limited to, the sending and receipt of emails and the accessing of internet websites)

Tracking surveillance: surveillance by means of an electronic device, the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System [GPS] tracking device).

Workplace: premises, or any other place, where employees work, or any part of such premises or place as defined in Section 3 of the Act

Surveillance information: information obtained, recorded, monitored, or observed as a consequence of surveillance of a workplace.

Worker: Employees, Council contractors, Councillors, persons performing voluntary work without remuneration, reward or obligation and any person authorised to undertake a Council function or activity while in the workplace

6. POLICY IMPLEMENTATION

6.1 Principle



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The primary purpose of the Council's surveillance systems is to:

- maintain the safety of Council workers and the public;
- deter crime and aid the apprehension of offenders; and
- inform the operations of the Council's information and technology networks and systems.

While the Council will not establish workforce surveillance systems specifically to monitor staff productivity or compliance with Council policy, it may, with cause, access surveillance systems and data records to investigate complaints or conduct other workplace investigations as appropriate.

At all times, the Council will comply with its obligations under the Act.

6.2 Methods

Council uses a range of surveillance methods in its operations for the purposes identified in this policy including:

- camera surveillance;
- computer surveillance; and
- tracking surveillance

Unless specifically noted, all surveillance will be performed on a systematic and ongoing basis.

6.2.1 Camera surveillance

Council uses camera surveillance at several Council facilities to monitor security and provide worker and public safety.

Facilities and areas that are the subject of camera surveillance will display appropriate signage to inform employees and the public in accordance with the Act.

Where Council intends to install new camera surveillance devices, employees working in the designated area or areas shall be advised in writing or by email 14 days prior to its commencement in accordance with the Act.

6.2.2 Computer surveillance

Computer surveillance is used for the general security of Council's staff as well as its property or assets, and focusses on the protection of Council related information and to ensure Council's computer and mobile resources are not misused.

The safety of Council staff includes ensuring personal data is maintained and not misused, that staff are safe interacting with the public whilst engaging through electronic means, and that Council is able to respond swiftly to any suspected electronic attacks on either Council itself or our staff individually.



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The software applications used record user activity including logon details and times, audit trails of data changes and deletions, telephone usage activity (including calls received, placed and length of call), photocopier and printer usage. Council retains logs, backups and archives of computing activities, which may be audited.

Email of employees and Councillors is not routinely read but is continually monitored by software to ensure the security and stability of Council's network. Software is also used to ensure Council's compliance with the *State Records Act 1998*. Emails are Council records which should be managed accordingly and will be accessible in that context. Further, any email may also be the subject of an application under the *Government Information (Public Access) Act 2009*.

Internet usage is monitored by a web filtering tool to restrict access to inappropriate sites. Monitoring may occur where unusual or high-volume activities may warrant more detailed examination. Council also keeps a readily accessible list of recently accessed web sites.

Council receives accounts from its mobile service provider that identifies each cost incurred by mobile phone users. This information relates to the dates and times calls are received and made and the use of any services such as, but not limited to, voicemail, SMS, Video Message Bank, Internet/WAP and Sensis 1234. These accounts may be interrogated if misuse of the mobile phone is suspected.

Conditions apply to users of Council's computer resources, and these are detailed in the Council's Communication Devices and the Internet Policy.

6.2.3 Tracking surveillance

GPS devices have been fitted to plant to assist in Council's operations; provide security of the plant item and to assist the safety of staff. Plant that is the subject of GPS tracking surveillance will display appropriate signage to inform employees.

Increasingly vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data. This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams. The intention of this policy is not to use this information for performance management purposes, however, on occasion, available information may be accessed during a workplace investigation.

Council undertakes tracking surveillance of workers through building security access swipe cards and building alarm systems.

6.3 **Notification**

Existing workers of Council shall be given prior notification of the installation of a workplace surveillance system (other than an approved covert surveillance system) in line with the requirements of the Act.



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Workers yet to commence with Council will be notified of the method of workplace surveillance undertaken as part of their offer of employment. By accepting employment with Council, the worker is deemed to consent to surveillance in accordance with this policy, immediately upon the commencement of employment with Council.

6.4 Confidentiality

Council will ensure surveillance records will remain confidential and, at all times, access to such records will be in accordance with the Act.

The Chief Executive Officer or Deputy Chief Executive Officer may authorise an employee to investigate alleged breaches of the Code of Conduct and Council policies. Investigations may involve accessing individual computers, electronic records or other information systems. Such investigations may involve misconduct and are managed in accordance with the provisions of the relevant policy.

The Chief Executive Officer must expressly authorise in writing all use of surveillance data obtained from camera surveillance or tracking surveillance in a workplace investigation.

Council may apply to undertake covert surveillance and shall make any such application in accordance with the applicable legislation

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Industrial Relations Act 1996*
- *Local Government Act 1993*
- *State Records Act 1998*
- *Workplace Relations Act 1996 (Cth)*
- *Workplace Surveillance Act 2005*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- Local Government (State) Award 2020

7.2 Council policies and guidelines

- Governance Policy
 - Code of Conduct
 - CCTV Surveillance Policy
 - Communications Devices and the Internet Policy
 - Drug and Alcohol-Free Workplace Policy
 - Information and Communications Technology Policy
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8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the *Local Government Act 1993*). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18(c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Deputy CEO

APPENDICES

Nil
