

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

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KEY TERMS	Closed circuit television, CCTV, surveillance, privacy, release of CCTV images
SUMMARY	Outline the purpose and objectives of utilising closed circuit television (CCTV) in South Eastern Sydney Local Health District (SESLHD) facilities, and to describe the role of Security personnel in the protecting and using of the surveillance material.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

NSW Health Agencies are required, in consultation with staff, other duty holders and 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 to identify an incident where a duress response / code black response is required.

NSW Health Agencies are required to ensure, in consultation with staff 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](#).

2. BACKGROUND

The purpose of this procedure is to outline clearly the objectives of utilising closed circuit television (CCTV) in South Eastern Sydney Local Health District (SESLHD) facilities, and to describe the parameters around the protection and use of the surveillance material that is gathered.

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

2.1 Definitions

Surveillance of an employee means:

- **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

Overt surveillance means:

- Surveillance that is conducted in line with Part 2 of the [NSW Workplace Surveillance Act 2005](#), and as outlined in this procedure

Covert surveillance means:

- 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 [NSW Workplace Surveillance Act 2005](#)
- Covert surveillance of an employee is an offence unless the surveillance is authorised by a covert surveillance authority

Surveillance information means:

- Information obtained, recorded, monitored or observed as a consequence of surveillance of an employee

Surveillance record means:

- A record or report of surveillance information.

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3. RESPONSIBILITIES

3.2 Security Managers will:

Be responsible for the operational procedures of CCTV surveillance and the security of surveillance information and records.

Participate in periodic reviews and assessments of the requirements for CCTV and other security measures.

3.3 Corporate Services Managers will:

Ensure appropriate resourcing for the monitoring of CCTVs.

Periodically review and assess the requirements for CCTV and other security measures.

3.4 General Managers / Service Directors will:

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.

4. PROCEDURE

4.1 Objectives

The primary objective of CCTV surveillance within SESLHD is:

- To enhance safety of LHD premises and persons on LHD facilities
- 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.

4.2 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 South Eastern Sydney Local Health District policies.

Additional cameras may be installed, or a camera relocated, on a SESLHD owned site 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 site Corporate Services and Security Managers.

4.3 Signage and Notice Requirements

Signs notifying people that they may be under camera surveillance, must be posted at:

- Each entrance to any property at which camera surveillance is occurring; and
- In the vicinity of any operational surveillance camera.

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.

SESLHD 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 (Corporate Services Manager) to all employees on the site of:

- a. The type of surveillance to be carried out (i.e. camera)
- b. How the surveillance will be carried out
- c. When the surveillance will start
- d. Whether the surveillance is continuous or intermittent
- e. 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 SESLHD are advised of camera surveillance at SESLHD sites through the SESLHD New Starter pack issued through the Workforce Transactions and Information Services as part of the recruitment and on-boarding process (**Appendix A – Fact Sheet for New Employees - Workplace Surveillance**).

4.4 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 Corporate Services Managers 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.

4.5 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.

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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.

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 so as to ensure access is limited to authorised persons and only for permitted purposes in accordance with relevant LHD policies and procedures.

The site Security Manager may 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.

4.6 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)).

4.7 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 SESLHD 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, SESLHD, 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.

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

- (a) 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
- (b) 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
- (c) is authorised or required by subpoena or by search warrant or other statutory instrument, or
- (d) is reasonably necessary:
 - (i) For the protection of the public revenue, or
 - (ii) In order to investigate an offence where there are reasonable grounds to believe that an offence may have been committed.

4.8 Release of CCTV images

The Security Manager may provide 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.

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 SESLHD CCTV Recorded Material**.

The site Security Manager should assess the appropriateness of requests for surveillance records, in the absence of a warrant, on a case-by-case basis. The Request Form must be appropriately authorised by the Hospital Executive / Service Director before any images are released. The completed Request Form must be stored in the District's Electronic Document Records Management System (EDRMS) – HPE Content Manager.

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.

4.9 Compliance and Evaluation

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

- Whether the purposes and objective statements remain valid

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- Changes to the extent of the system
- Changes to legislation
- Data protection requirements
- Maintenance and performance of the system
- Amount and type of data which has been stored and destroyed.

5. DOCUMENTATION

Appendix A - Request Form for SESLHD CCTV Recorded Material.

6. AUDIT

NSW Health Security Improvement Audit Tool (SIAT) – two yearly.

7. REFERENCES

[NSW Workplace Surveillance Act 2005](#)

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

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

[NSW State Archives and Records General Retention and Disposal Authority GDA8 Video / Visual Surveillance Records](#)

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

8. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
June 2018	Draft	Peggy Pollock, Manager Health Safety and Wellbeing
August 2018	Draft v.2	Peggy Pollock, Manager Health Safety and Wellbeing
August 2018	Draft v.2	Processed by Executive Services prior to submission to Executive Council for endorsement
September 2018	Draft	Approved by Executive Council
June 2020	1	Risk rating reduced to Medium Risk. Review date amended to September 2021 to align with Medium Risk rating. Executive Sponsor updated from Director Workforce Services to Director People and Culture. Approved by Executive Sponsor.

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APPENDIX A Fact Sheet for New Employees – Workplace Surveillance

The **NSW Workplace Surveillance Act 2005 (The Act)** requires that new employees are advised of any workplace surveillance in the workplace prior to commencing work. The following excerpt is provided for information:

Section 3 Definitions

Surveillance of an employee means surveillance of an employee by any of the following means:

- a) **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,
- b) **Computer surveillance**, which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of Internet websites)

Section 10 Notice of surveillance required

(3) If surveillance of employees at work for an employer has already commenced when an employee is first employed, or is due to commence less than 14 days after an employee is first employed, the notice to that employee must be given before the employee starts work.

Computer Surveillance

NSW Ministry of Health Policy “Communications - Use & Management of Misuse of NSW Health Communications Systems” (PD2009_076) states:

Section 5.3 Workplace Surveillance Act 2005

“Under the Workplace Surveillance Act 2005, NSW Health is required to inform staff in writing that computer surveillance will be occurring on an ongoing and continuous basis by means of software or other equipment that monitors or records computer usage, including, but not limited to, the sending and receipt of emails and the accessing of Internet websites.

To meet this requirement, a login screen must be used for all computers in NSW Health, which explicitly states that such monitoring will occur, and that access to Internet websites and delivery of emails may be prevented where there is material involved that is inappropriate or unlawful”.

Closed Camera Television (CCTV) Surveillance

Management is responsible for providing a safe workplace by committing resources for CCTV and other security measures.

The primary objective of CCTV surveillance is:

- to enhance safety of LHD premises and persons on LHD facilities
- 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 disciplinary action) of persons in relation to criminal or other misconduct.

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Signs notifying people that they may be under camera surveillance, must be posted at:

- each entrance to any property at which camera surveillance is occurring
- in the vicinity of any operational surveillance camera.

All LHD employees working at the premises at which camera surveillance will occur must be notified in writing at least 14 days (or a lesser period if agreed) before the commencement of the camera surveillance. All surveillance cameras must be clearly visible.

Images will be monitored by staff authorised to do so. Monitors will be visible from staff areas only. Images will be retained for 21 days except where an incident has been reported or detected or where the LHD has been requested by a law enforcement agency to retain or produce the images. Retained images must be stored, retained and managed so as to ensure access is limited to authorised persons and only for permitted purposes and in accordance with relevant LHD policies.

If an incident is reported or detected, the security manager may approve the retention of images of the incident, or related images, which may contribute to the proper investigation of the incident for a reasonable time. Decisions to retain images for more than 30 days must be recorded in writing by the security manager, providing reasons for the decision.

NSW Health / SESLHD References

Electronic Information Security Policy – NSW Health PD 2013_033

Protecting People and Property: NSW Health Policy and Standards for Security Risk Management in NSW Health Agencies - IB2013_024

Communications – Use and Management of Misuse of NSW Health Communication Systems - NSW Health PD2009_076

External References

Workplace Surveillance Act 2005

Workplace Surveillance Regulations 2012

Workplace Privacy Act 2011

Privacy and Personal Information Protection Act 1998 (NSW)

AS 4806.1-2006 Closed Circuit Television: Management and Operation

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APPENDIX B - Request Form for SESLHD CCTV Recorded Material

To be completed by the person making the request:

To the Security Manager of:		Hospital	
Date of request			
Requesting Officer Details		Name	
Title/Rank		Phone number	
Organisation or Department <small>(tick appropriate box and enter details)</small>	<input type="checkbox"/> Internal to SESLHD..... <input type="checkbox"/> Police Station..... <input type="checkbox"/> Other.....		
Registration No (Police only)		or SESLHD Employee No	
Signature of Requesting Officer			
Approving Officer title	<small>(of or above the rank of Police Sergeant or SESLHD Department Head)</small>	Approving Officer Signature	
Location of Incident		Date and time of Incident	
COPS Incident No:	E	Type of Incident	
IIMS No: <small>Internal to SESLHD only</small>			
Brief details of Incident			

Hospital Security Use Only		Hospital Executive/Service Director Use Only	
Processed by:		Approved for release by:	
Name		Name	
Designation		Designation	
Signature		Signature	
Date processed		Date Approved	
Details of Officer collecting materials		Comments	
Name			
Rank/Title			
Signature			
Date collected			