

CCTV SURVEILLANCE CAMERAS POLICY

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DOCUMENT CONTROL

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1. TITLE

ULM CCTV Surveillance Camera Policy

2. POLICY STATEMENT

The intent of this policy is to ensure the effective, appropriate and lawful use of Closed Circuit Television (CCTV) surveillance cameras at all Umzimvubu Local Municipality **space**, buildings and premises..,

Section 14 of the Constitution of the Republic of South Africa Act 108 of 1996 governs the right to privacy of the individuals. The South African Constitutional Court has defined 'Privacy' as the 'right of a person to live his or her life as he or she pleases'.

The CCTV cameras' footage in existence in the office vicinity or premises of the ULM could be used during disciplinary/criminal processes if the employee or any other person caught doing wrong in the footage. The ULM has the right to monitor staff or visitors via CCTV.

Begging the question as to whether or not the employee, in the first instance, knew and consented to the fact that his/her actions may be monitored on video, to be acceptable amongst other things:

- The video tape must be clear. This means that visuals must be sharp.
- The video must be authenticated. In addition to the tape being clear, it must be shown not to have been tampered with in any way.
- It must also be proved that the visuals accurately reflected the incident in question and not some other incident.
- The evidence provided by the video tape must not be hearsay and must not be contradicted by other evidence.
- The video should not be part of an illegal entrapment exercise.
- All the places handling cash will be under 24 hours monitoring by means if CCTV. Staff working at these points should be alerted about the constant monitoring.

Over the years, the courts also recognized unreasonable intrusions into the private sphere as actionable: bugging a person's room, listening to private telephones conversations, spying on someone while he/she was undressing, reading private documents, unauthorized blood tests and harassment fall into this category. Certain unreasonable intrusions into the private sphere were recognized by the court as liability for criminal invasion of privacy in the form of *crimen injuria*.

3. PURPOSE

The purpose of this policy is to provide guidance for the appropriate installation and use of CCTV surveillance cameras and use of footage collected both on the road and at the ULM offices.

4. SCOPE

This policy applies to all ULM employees, councillors and general public.

5. OBJECTIVE

The objectives of this policy are to:

- ensure the safety of Council employees, councilors and members of the public,
- protect property from theft and damage,
- discourage unlawful activity and
- improve the investigation of incidents at the public space, ULM offices and premises.

6. POLICY DETAILS

Definition of public place

For the purposes of installation and use of CCTV surveillance cameras, a 'public place' is defined as "any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place".

Under this definition, the ULM offices and premises are considered public places and as such, any use of CCTV surveillance in these areas must comply with various legislation and constitution of the Republic and other guidelines.

CCTV operation

The CCTV surveillance cameras are used to capture any incidents involving threats to ULM employee or public safety, theft, and unauthorized access to 'staff only' areas.

The cameras operate for twenty-four hours a day, seven days a week. The majority of monitoring will be retrospective reviews, however there will be occasional periods of passive monitoring.

The cameras will not be used to record or monitor the daily activities of ULM employees nor will they be used to assess employee performance.

All reasonable steps will be taken to ensure the identity and images of any individual captured on camera remains anonymous where lawful and practicable.

Appropriate signage will be displayed at the entrances of the ULM offices, to inform ULM employees, councilors and the public of the use of cameras for security purposes.

Definition of an incident

An incident is defined as an occurrence or event that could result in harm to persons, property or business operations.

An incident may occur at any time, and may involve members of the public, Council employees and/or councilors.

Camera locations

CCTV surveillance cameras are located at the ULM main offices in both KwaBhaca and EMaXesibeni.

Purpose of collection

Footage recorded and retained by the CCTV surveillance cameras will be used for the sole purpose of monitoring and investigating incidents.

The primary purpose of collection is:

- incident monitoring;
- detection of any ULM employee and/or public safety issues;
- detection and deterrence of theft; and
- monitoring any unauthorized access to 'staff only' areas.

Access to footage

Access to live streaming or recorded footage for the purposes of viewing, copying or disclosing the footage will be restricted to Municipal Manager and Heads of Departments with the exclusive rights to both assistant managers of Community Safety and ICT department.

Use and disclosure of footage

Live streaming and recorded footage must only be used for the purposes of investigating and providing evidence of an incident.

Footage of an incident may be disclosed to a third party such as members of South African Police Services, and copies may be provided on the condition that the third party has an official role in investigating the incident or some other legitimate reason for requiring access to the footage.

NB: Any request by members of the public to view records of incidents must be done through the office of the Municipal Manager or HOD for Citizen and Community Services.

Storage of footage

- Any recorded footage of incidents must be stored in a secure location with restricted access.
- Footage must be protected from unauthorized viewing, copying, alteration, deletion and disclosure.
- All recordings of the CCTV cameras will be kept for a minimum of three (3) months.
- The footage be free within the first month but thereafter a certain amount be paid for the footage.
- The footage to be kept on the municipal server for a maximum of one (1) month.
- The municipality shall work hand in hand with SAPS to retrieve the footage.
- The footage be saved on external memory or CD and thereafter can be sold after one month.
- The footage are kept to help curb the crime and information be given on terms and condition that are to be stipulated on the policy

7. ROLES AND RESPONSIBILITIES

The following positions are responsible for approving, implementing, complying with, monitoring, evaluating reviewing and providing advice on the policy and procedures:

Implementation	<ul style="list-style-type: none">• MM and HODs
Compliance	<ul style="list-style-type: none">• All employees and Councilors
Development/Review	<ul style="list-style-type: none">• Risk Management Officer
Interpretation/Advice	<ul style="list-style-type: none">• Risk Management Officer

8. MONITORING, EVALUATION AND REVIEW

This policy will be reviewed on an annual basis.

The effectiveness of the CCTV system to achieve the objectives of this policy will be reviewed on a regular basis as prescribed by the CCTV Surveillance Camera Operating Procedures. This will include reviewing the location of the cameras to ensure they are capturing appropriate footage, the storage and disclosure of any footage, the operation and administration of the system and compliance with appropriate legislation.

Minor amendments to the policy may be authorized by the Municipal Manager at any time where such changes do not alter the substance of the policy.

9. NON-COMPLIANCE, BREACHES AND SANCTIONS

Failure to comply with this ULM policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action and potential legal consequences.

10. DEFINITIONS AND ABBREVIATIONS

Definitions of terms used in the policy and explanations of any abbreviations and acronyms.

Term	Meaning
CCTV	Closed circuit television
Passive monitoring	Where CCTV monitors are intermittently observed by operators
Retrospective review	Where CCTV is reviewed after an incident
Council	ULM Council
Council employees	ULM Council employees, volunteers, contractors
Council office	Main office building complex, 813 Main Street, KwaBhaca, and 67 Church Street, EMaXesibeni

13. APPROVAL

THIS POLICY WAS MADE AN
ACTIVE POLICY DURING THE
COUNCIL MEETING ON THE
30th OF JANUARY 2018.