





Murrumbidgee
COUNCIL

Workplace Surveillance Policy

	Name	Position	Signature	Date
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Introduction

The *Workplace Surveillance Act 2005* (the Act) requires Murrumbidgee Council to notify employees of all surveillance in the workplace which may be carried out by Council while the employee is at a workplace of Council or performing work for Council.

1. Purpose

This policy and its subsequent distribution to all current and new employees, is intended to meet Council's obligations for notification of workplace surveillance of employees under the Act.

All surveillance implemented by Council will only occur in accordance with the provisions of the Act, this policy and on the authority of the General Manager.

Surveillance is used for the general security of Council property and assets, operational needs and for the protection and safety of Council employees and the general public.

2. Scope

This Policy applies to all Council areas where surveillance activities may directly or indirectly monitor an employee, contractor, Councillor, volunteer or any other person authorised to be within the workplace.

3. Definitions

The following definitions apply to this policy:

"*surveillance*" (pursuant to section 3 of the Act) is the surveillance of any 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),
- (c) "*tracking surveillance*", which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement.

"*employee*" for the purposes of this policy includes a council employee or staff member, trainee, Council contractors, Councillors, persons performing voluntary work and any other person authorised to undertake a Council function or activity while in the workplace.

"*workplace*" means premises, or any other place, where employees work, or any part of such premises or place (section 3 of the Act).

"*The Act*" means the *Workplace Surveillance Act 2005*.

4. Types of surveillance to be carried out

4.1 Camera Surveillance

Council uses camera surveillance at a number of Council facilities to monitor security and provide employee and public safety. The current facilities are detailed in Appendix A, with Appendix A updated as additional cameras are installed.

In accordance with section 10 (4) (d) of the Act, the surveillance cameras will be continuous.

In accordance with section 10 (4) (e) of the Act, the camera surveillance will be ongoing.

Facilities and areas that are the subject of camera surveillance will display clearly visible signage at the entrances of the relevant area to inform employees and the public that they are under surveillance pursuant to section 11 (b) of the Act.

Cameras used for surveillance will be clearly visible in accordance with section 11 (a) of the Act.

4.2 Computer Surveillance

Computer surveillance is used for the general security of Council property or assets, for the protection of Council related information and to ensure that Council's computer and mobile phone resources are not misused.

In accordance with section 10 (4) (d) of the Act, the computer surveillance will be continuous, and in accordance with section 10 (4) (e) the computer surveillance will be ongoing.

The software applications used to record user activity include 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. Surveillance also extends to all web meetings and chat platforms (including Blue Jeans, Teams, Skype, Zoom etc) and social platforms (including Facebook, Instagram, Snapchat etc). 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. 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 GIPA legislation.

Internet usage is monitored by a web filtering tool to restrict access to sites which are inappropriate. 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 and internet access. The information provided does not include any content of the messages. These accounts may be examined if misuse of the mobile phone is suspected.

4.3 Tracking Surveillance

GPS devices may be fitted to Council vehicles and plant to assist in Council operations, for security of the plant item and to assist with monitoring the safety of staff.

The tracking surveillance device fitted to vehicles with private usage will be asked, upon use, the purpose - private or work. If the staff member chooses private, the tracking system will not record.

In accordance with section 10 (4) (d) of the Act, the tracking surveillance will be continuous, and in accordance with section 10 (4) (e) the tracking surveillance will be ongoing (with the exception of private use vehicles when private use is specified).

Vehicles and plant that is the subject of GPS tracking surveillance will display clearly visible signage to inform employees of the relevant surveillance, pursuant to section 13 of the Act.

Increasingly, vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM) and other performance data. This data is invaluable in informing Council process improvement activities and for identifying obstacles to Council teams.

The intention of this policy is not to utilise this information primarily for performance management purposes, however available information may be accessed in the course of a workplace investigation.

5. Surveillance commencement

Pursuant to section 10(2) of the Act, written notice must be given to employees at least 14 days before surveillance commences. An email constitutes notice in writing (section 10 (5) of the Act).

New employees commencing work with Council shall be given notification of the types of workplace surveillance undertaken before they commence work (section 10 (3) of the Act).

New employees commencing work with Council will be provided with the Workplace Surveillance Policy and addressed in the employee's induction and onboarding with Council. This will include, but not be limited to, the requirements of the Policy and the types of surveillance used (section 10 (3) of the Act).

Pursuant to section 10(4) of the Act, the notice must indicate:

- (a) The kind of surveillance to be carried out.
- (b) How the surveillance will be carried out.
- (c) Whether the surveillance will be continuous or intermittent.
- (d) Whether it will be for a specified time or ongoing.

6. Responsibilities

General Manager

The General Manager is the officer responsible for the Workplace Surveillance Policy.

These responsibilities include:

- providing a point of contact for anyone wanting information or advice about the meaning and application of the Policy;
- receiving complaints/grievances or reports of possible breaches of this Policy;
- investigating possible breaches and enforcing Policy compliance;
- developing and implementing a training strategy for the application of the Policy;
- ensuring appropriate notification is given for all workplace surveillance conducted.

Other Staff

All staff must ensure that they:

- comply with the requirements of the Workplace Surveillance Policy;
- notify the General Manager of any suspected breaches of this Policy.

7. Record keeping, use of records and disclosure

The General Manager, Director of Infrastructure, Director of Planning, Community and Development and the Chief Financial Officer are the only ones who can be privy to all the information.

The Murrumbidgee Council Finance Team can only access the relevant financial information for completing tasks such as Fuel Rebates and Fringe Benefits Tax.

Retention and destruction of surveillance records will occur as required by the Local Government Records and Archives Disposal Schedule.

Pursuant to section 18 of the Act, any surveillance record must not be used or disclosed unless:

- (a) Use or disclosure is for a legitimate purpose related to the employment of employees or the legitimate business activities or functions of Council, or
- (b) disclosure is to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence, or
- (c) the use relates directly to the taking of civil or criminal proceedings, or
- (d) the use or disclosure is reasonably believed to avert an imminent threat of serious violence to persons or substantial damage to property.

8. Covert Surveillance

Pursuant to section 19 of the Act, covert surveillance is prohibited without covert surveillance authority being granted. Part 4 of the Act prescribes how such authority may be obtained.

9. Breaches

Inappropriate use of surveillance processes should be reported to the General Manager. Any person or persons breaching this policy may be subject to disciplinary action and may also be liable to sanctions prescribed within the Act.

10. Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

APPENDIX A

CAMERA SURVEILLANCE LOCATION

- Jerilderie Office
- 63 Jerilderie Street
- Jerilderie Landfill
- Monash Park Jerilderie
- Jerilderie Swimming Pool
- Gymnasiums Jerilderie and Coleambally
- Common Tip