



# **STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY**

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## STELLENBOSCH CLOSED CIRCUIT TELEVISION POLICY

### 1. Definitions

To assist in the interpretation the following definitions shall apply;

“Applicant” means a registered organisation, body or person applying to Stellenbosch Municipality to register a CCTV system, camera, equipment or a CCTV camera on privately owned property viewing or of which the projection plane covers any public street or public land;

“CCTV” shall mean Closed Circuit Television;

“Council” means the Municipal Council of Stellenbosch;

“Infrastructure” means any land, building or fixture attached to it, any pole, fence, wall, bridge, sign, cabling, tree, tower or fixture attached to it;

“Municipal Manager” means the person appointed as Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal property” means land, structures and infrastructure owned by Stellenbosch Municipality;

“Person” means a natural or juristic person;

“SM” shall mean Stellenbosch Municipality, a municipality in terms of the Local Government Municipal Structures Act, 1998, or any structure or employee of the Municipality acting in terms of delegated authority;

“SAPS” shall mean South African Police Services;

“PSIRA” shall mean Private Security Industry Regulatory Authority;

“LPR” shall mean License Plate Recognition;

“POPI Act” shall mean Protection of Personal Information Act, Act No. 4 of 2013.

## **2. Problem Statement**

Stellenbosch Municipality is experiencing an increase of privately owned CCTV cameras installed on Council land and infrastructure without authorisation.

There is currently no application process in place for recognised organizations, a registered body or person to register their CCTV system with the municipality.

## **3. Introduction**

This policy has been created to ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras. It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of Municipal staff and Municipal obligations in regard to CCTV and LPR data storage, security and signage.

## **4. Purpose**

Stellenbosch Municipality (SM) endeavours to provide a safe and secure environment to protect its staff, councillors, public and the interests of our ratepayers. Closed Circuit Television (CCTV) and License Plate Recognition (LPR) cameras are installed and operated for one or more of the following purposes:

- 4.1 Facilitate public safety.
- 4.2 Facilitate staff and councillor's safety.
- 4.3 Improve security and deter criminal activity in public places including Council premises and recreational facilities.
- 4.4 Monitor traffic movements.
- 4.5 Monitor trespass on Council facilities.
- 4.6 Monitor compliance with Council bylaws.
- 4.7 Capture information that could be used to investigate crime, a health and safety environment and/ or staff incidents.
- 4.8 Monitor behaviour around Council objects.
- 4.9 Manage council assets and infrastructure.

## **5. Regulatory Context**

The CCTV System that is envisaged for installation by Stellenbosch Municipality may not infringe any stipulations as prescribed by the following legislation:

- The Constitution of the Republic of South Africa, 1996
- Telecommunications Act, Act 103 of 1996
- The Computer Evidence Act No 57 of 1983
- Protection of Personal Information Act, Act 4 of 2013
- Criminal Procedure Act 51 of 1977
- Promotion of Access to Information Act (PAIA) No 2 of 2000

This policy should also be read with the following by-laws:

- Stellenbosch Municipality , Electricity Bylaw
- Stellenbosch Municipality Street Bylaw P.N. 6756 dated 04 June 2010

## **6. Scope**

6.1 This policy applies to private and external CCTV cameras, installed on municipal land and infrastructure as well as private CCTV cameras installed on private property monitoring any or of which the projection plane covers any public street or public area of WCO24.

6.2 The policy is applicable within the boundaries of WCO24.

6.3 SM municipal departments are not required to follow the application process, but can register the location of the CCTV cameras with the Director Community and Protection Services

## **7. Policy Directives**

### **7.1 Camera Locations**

**7.1.1** CCTV cameras are situated in locations which are clearly linked with the cameras specific purpose. All new external camera systems and/ or replacement systems are to be approved by the Director: Community & Protection Services in consultation with SAPS.

**7.1.2** Covert systems may be used for municipality's internal purposes in exceptional circumstances subject to written approval from the Municipal Manager.

**7.1.3 Exceptional circumstances where applicable;**

7.1.3.1 may include where there is a strong suspicion of criminal activity or misconduct which;

7.1.3.2 breach Council bylaws, policies or may give rise to a health and safety risk to any person or Council damage to the environment, and which cannot be detected by other means.

**7.2 Monitoring**

7.2.1 The recording devices/ servers for CCTV cameras are to be installed in a secure location as agreed upon with the Chief: Law Enforcement in conjunction with ICT.

7.2.2 All footage is kept for a minimum period of three (3) weeks and then the data is overwritten as part of the recording process, unless it is exported for evidential purposes.

7.2.3 Live streaming camera monitoring is restricted to designated SM employees and approved contractors. (Username and password linked in order to know who is on the CCTV system)

7.2.4 LPR used for the purpose of traffic monitoring is live streamed and recorded.

7.2.5 Relevant authorized officials reserves the right to have remote access to live footage created by Council owned CCTV cameras.

7.2.6 Where cameras are monitored via a mobile device (such as a smartphone, tablet or similar device) a CCTV or LPR administrator or CCTV High level user shall ensure that no unauthorised person has the ability to view the device.

7.2.7 General public viewing of the CCTV imagery, only as stipulated in section 7.8 and 7.9 of this policy will allowed.

### 7.3 User Access

DESIGNATION	DESCRIPTION OF FUNCTIONS	DELEGATED AUTHORITY
CCTV Administrator	Full System Access to all CCTV & LPR camera features and programming	SM Municipal Manager or designated staff or CCTV Contractor
CCTV High Level User	Full System Access to all CCTV and LPR camera features and programming for maintenance purposes	Designated SM staff
CCTV Operator	Majority system access for all CCTV cameras on their site and live view	Delegated suitably trained SM Facility Managers and Supervisory staff.
CCTV View Only	Live View, (no export)	Delegated suitably trained SM staff

### 7.4 The CCTV and LPR Administrator are responsible for:

- 7.4.1 Understanding their responsibilities under the POPI Act which determines that they operate with efficiency, impartiality and integrity.
- 7.4.2 Ensuring the installation and maintenance of equipment is sufficient.
- 7.4.3 Undertaking an annual review of the use of all SM CCTV cameras. Organising the training and authorising of CCTV Operators.
- 7.4.3 Ensuring all new installations are GIS mapped, insured and operational.
- 7.4.4 Referring all public requests for footage (other than that from Police as per clause below) to the SM Legal Service Department.
- 7.4.5 Responsible for the establishment, oversight and accuracy of SM's CCTV Access Log.

- 7.4.6 Responsibility for the on-going maintenance and accuracy of the SM CCTV & LPR camera inventory and related service provider agreements.

## **7.5 Control and operation of cameras**

All SM facilities, premises and public areas within its jurisdictional area may at some point in time be monitored by CCTV and LPR Cameras, the exceptions being listed below:

- 7.5.1 CCTV coverage will not include private areas within public spaces and facilities (e.g. changing rooms).
- 7.5.2 CCTV coverage will not be directed at private property except unavoidably as part of a wide angle or long shot while panning past.

## **7.6 CCTV High Level Users are responsible for:**

- 7.6.1 Understanding their responsibilities under the POPI Act and with respect to the Privacy Principles which determines they operate with efficiency, impartiality and integrity.
- 7.6.2 Implementing all maintenance of the CCTV system as and when required. This includes security level access for designated SM staff.
- 7.6.3 Maintaining a record of all released or viewed footage in SM's CCTV Access Log.
- 7.6.4 Maintain confidentiality in regard to duties and observations and will be required to adhere to a confidentiality agreement in terms of the Protection of Information Act 4 of 2013.

## **7.7. CCTV Operators are responsible for:**

- 7.7.1 Understanding their responsibilities under the POPI Act, and with respect to the Privacy Principles which determines they operate with efficiency, impartiality and integrity
- 7.7.2 Referring all requests for footage (other than from a Police officer) to a SM Legal Service Department.
- 7.7.3 Maintain security of the monitors and footage (drives, disks, memory storage devices etc.)



- 7.7.4 Ensuring signage is in place and in accordance with this policy.
- 7.7.5 Maintain confidentiality in regard to duties and observations.
- 7.7.6 As per the POPI Act Privacy Principles, and with regard to the listed exceptions in the Principles, information collected by the cameras can only be used for the purpose for which it was collected.

**7.8. CCTV & LPR information access, the Police and other authorised law enforcement agencies**

- 7.8.1 SAPS or other authorised law enforcement agencies may access footage on short notice from for viewing purposes related to crime detection and prevention to assist with investigating the crime.
- 7.8.2 The requester is required to hand a subpoena or S205 of the Criminal Procedure Act, Act 51 of 1977 to the Municipality prior to the release of footage relating to the subpoena or in the case of the SAPS Investigating officer, a case number.
- 7.8.3 All footage released to SAPS or other authorised law enforcement agencies at their request, or when criminal activity is suspected, will be recorded in the CCTV Access Log detailing;
  - 7.8.3.1 Case numbers
  - 7.8.3.2 Investigating officer's name and staff number
  - 7.8.3.3 Case number and incident
  - 7.8.3.4 Sign out all evidence accordingly
  - 7.8.3.5 and any other information, as deemed necessary by SM.

**7.9 CCTV information access by individuals**

- 7.9.1 Recorded footage is confidential to SM. All requests to have a copy of footage relating to individuals will be referred to the Legal Service Department for consideration. Where a case has been registered with the SAPS, please refer to section 7.8.

**7.9.2** The Legal Service Department, may recommend to the Municipal Manager that the request that data may be disclosed be approved or not approved.

**7.9.3** A request by the public to have a copy of footage that contains information relating to other individuals or themselves;

**7.9.3.1** Must be via completing the Promotion of Access to Information Act (PAIA) form in writing and will be dealt with as either a matter to be referred to the Police or SM Legal Service. The applicant will pay the relevant fee set by SM Legal Service as per approved tariff structure of Council for the application and the releasing of such footage.

**7.9.3.2** The request will be dealt with in accordance to the POPI Act.

**7.9.3.3** Any request to view footage will be limited by the ease of access to the footage and by the need to protect other people's privacy. No general public viewing, only by those directly affected by the incident.

**7.9.3.4** If a request to view the footage is unable to be granted without unreasonably breaching other's privacy, a written description may be provided by the CCTV Administrator or SM Legal Service of the contents within the footage. Any such requests will be responded to within 30 days and are subject to review by a SM's Legal Service Department.

**7.10 CCTV information or requests to have a copy of footage by Council personnel**

**7.10.1** Such requests will be forwarded and approved by the Municipal Manager only and forwarded to the Director Community & Protection Services.

## **7.11 CCTV and Council Staff**

**7.11.1** The Municipality will investigate any suspected breach of the use of SM's CCTV and LPR by any;

**7.11.1.1** Municipal employment contracts, SM's Code of Conduct.

**7.11.1.2** Any staff incidents or misconduct detected by CCTV and LPR will be handled in accordance with and CCTV personnel will be protected in accordance with the relevant Witness Protection Act.

## **7.12 CCTV & LPR Contractors**

**7.12.1** The Municipality will appoint contractors for the installation and maintenance of the CCTV & LPR System.

**7.12.2** Appointed contractors and all contractors' staff must have PSIRA Certification.

**7.12.3** Contractors or sub-contractors responsible for non-security related operations (i.e. Data Transmission links etc.) should be certified by their appropriate organisation.

**7.12.4** All contractors and sub-contractors will be familiar with and adhere to the POPI Act.

## **7.13 CCTV Signage**

**7.13.1** Individual cameras and/ or camera areas will be clearly signposted to notify the public.

**7.13.2** Signs will clearly display the message "Surveillance Cameras in Operation" or a similar message and be of a size and nature that is reasonable visible for people entering the area to read. Where it is impractical to include all the information, the sign will direct the public to the SM website where this policy can be viewed.

**7.13.3** SM municipality will at all times display that cameras are monitoring, but it does not guarantee that all cameras will be proactively monitored at all times

## **7.14 CCTV Staff Training**

### **7.14.1 Operators**

**7.14.1.1** All CCTV Staff operators will be required to undergo the necessary CCTV & LPR System Operator training.

**7.14.1.2** If SM opt to use Security staff for surveillance the minimum requirements will be:

- Grade C Security graded
- At least 21 years of age
- Undergoing clearance check
- Have good cognitive abilities.

## **7.15 Privately owned CCTV cameras**

**7.15.1** CCTV cameras installed on privately owned property/ premises do not require to be registered with Stellenbosch Municipality unless these cameras cover any section or portion of a public place or street within the jurisdiction of Stellenbosch Municipality of which the Municipality or the South African Police will have the right to footage obtained through these cameras which might be linked to a criminal incident or offence.

**7.15.2** Registration of privately owned CCTV cameras as per 7.15.1 will require the owner of these cameras to provide the name of the owner/s of the premises/ erf, the type of camera used and the connectivity status of the CCTV cameras as well as the projection plane of the public areas the cameras cover.

**7.15.3** The information provided in 7.15.2 will be recorded on a database kept by the municipality's Law Enforcement Department for the sole purpose as per 7.15.1 and will remain confidential.