

Local councils' use of Closed-Circuit TV (CCTV) cameras in public places

Who is this information for?

NSW local councils seeking information on the use of Closed-Circuit TV (CCTV) cameras in public places

Why is this information important?

This fact sheet explains the exemptions under the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Privacy and Personal Information Protection Regulation 2019* (PPIP Regulation) to operate CCTV cameras in public places.

Does the use of CCTV cameras involve collecting personal information?

The use of a CCTV camera in a public place may capture the image of people in those public places. The video record of any person who can be identified in the video is personal information about that individual.

What are the rules applying to the use of CCTV in public places by local councils?

Local councils must comply with the "Information Protection Principles" (IPPs) set out in Part 2 of the PPIP Act when they collect, store, use and disclose personal information.

However, the PPIP Act and the PPIP Regulation provide exemptions from some of the IPPs for local councils that operate and install CCTV cameras in public places.

Local Councils are permitted to operate CCTV cameras in public places by the *Local Government Act 1993* (NSW) which provides for the service functions of local councils (section 24). That Act defines a public place to mean a public reserve, public bathing reserve or baths or swimming pool; a public road, bridge, wharf or road-ferry, a Crown reserve, public land or Crown land.

What are the exemptions for local councils under the PPIP Act and the PPIP Regulation?

[Section 23 of the PPIP Act](#) provides an exemption from some IPPs for "law enforcement purposes". This may apply to some circumstances where a local council has implemented a CCTV camera concerning law enforcement.

Sections 23(1)-(3) of the PPIP Act provide an exemption from the "collection" IPPs in sections 8,9 and 10 (IPPs 1, 2 & 3), which require that personal information is collected for a lawful purpose related to the agency's functions, collected directly from the individual concerned and that individuals are provided with information about the reasons why personal information is being collected and details of who it may be disclosed to. Section 23(5) provides an exemption from the "disclosure" IPP in section 18 (IPP 11) where a disclosure is made for law enforcement purposes. Section 18 imposes restrictions on who an agency can disclose information to.

The [PPIP Regulation](#) specifically exempts local councils from the "collection" IPP in section 11 of the PPIP Act (IPP 4), which requires agencies to ensure that personal information collected is not excessive, as well as the "disclosure" IPP in section 18 for the live transmission of that information to NSW Police from a CCTV camera. This would, for example, allow for the installation of CCTV monitors in local police stations.

The exemptions in the PPIP Regulation only to local councils in respect of filming in a public place and does not extend to CCTV cameras installed on privately owned land.

Local Councils are to avoid including private property within the camera view of the filming, unless it is not reasonably practicable to avoid filming the other land when filming the public place.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The IPC can give general advice on rights and compliance under the PPIP Act, but cannot give legal advice. Agencies should seek their own legal advice about these issues.