



# Policy

## Workplace surveillance

Approved by Council: xx/xx/xxxx

To set out the purpose and standards of management and use of workplace surveillance.

Safety

Teamwork

Accountability

Respect

### Background

Rous County Council (Council) operates a workplace surveillance program whereby surveillance of employees (including contractors and volunteers) is carried out while they are at work.

A workplace surveillance program has been in place since 2015 and operates in accordance with the requirements of the *Workplace Surveillance Act 2005 (NSW)* ('WS Act'), this policy and its related procedures associated documents.

This policy contains notice of Council's computer surveillance and workplace surveillance program, including the purpose and standards for the use and management of the surveillance information.

### Policy statement

- 1.1 Council's workplace surveillance program is ongoing and operates continuously, in accordance with the WS Act and for related purposes including:
  - (a) The protection and safety of Council's employees and assets;
  - (b) Improving service delivery, resource planning, and utilisation of Council assets;
  - (c) Monitoring environmental impacts of Council activities;
  - (d) Detecting, investigating, verifying and reporting on incidents, complaints, claims, wrongdoing and breaches of Council policy and procedure at work;
  - (e) To assist law enforcement and emergency services respond to situations of concern and to assist in the prosecution of criminal matters.
- 1.2 The following types of surveillance are used and operated:
  - 1.2.1 Camera surveillance
  - 1.2.2 Computer surveillance
  - 1.2.3 Tracking surveillance.

### Prohibited Surveillance

- 1.3 Council's workplace surveillance program does not include or extend to surveillance:
  - 1.3.1 In any change room, toilet facility, shower or lunchroom at any Council premises.

- 1.3.2 When an employee is not at work - excluding computer surveillance of devices (including but not limited to telephones and laptops) provided by or at Council's expense.
- 1.3.3 By way of listening device<sup>1</sup> - Council will take all reasonable steps to ensure any audio capability of its surveillance hardware or software is disabled.

### **Computer surveillance**

- 1.4 All emails, whether incoming or outgoing, internet traffic, and computer use are subject to monitoring on a continuous basis.
- 1.5 The detection of the below type of computer use may result in disciplinary or other action being taken in accordance with the Workplace Surveillance procedure:
  - 1.5.1 Contains malicious code or otherwise creates an opportunity for a cyber-attack/incident; or
  - 1.5.2 Is reasonably regarded as being, in all the circumstances, menacing, harassing, inappropriate or offensive, or
  - 1.5.3 May or does result in an unauthorised disclosure of information and/or interference with the operation of a Council computer, computer network, or of any program run by or data stored on such a computer or computer network, or
  - 1.5.4 Contravenes any Council policy, procedure, business rules or legislative obligations.

### **Access, Use and Disclosure of surveillance information**

- 1.6 Surveillance information that is, or contains, personal information will be handled in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and Council's Privacy policy and Privacy Management Plan.
- 1.7 Access to surveillance information by third parties may only be sought and granted in accordance with the *Government Information (Public Access) Act 2009* (NSW), PIIP Act, and/or as otherwise permitted by law.
- 1.8 Internal access and use of surveillance information by Council will occur in accordance with its Workplace Surveillance procedure and any applicable legislative or industrial relations requirements.

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<sup>1</sup> This type of surveillance is prohibited unless one of the exceptions outlined in the Surveillance Devices Act 2007 (NSW) applies.

## Definitions

<b>At work</b>	Has the same meaning as in section 5 of the WS Act (as amended) – <i>“An employee is <b>at work</b> for an employer when the employee is:            (a) At a workplace of the employer (or a related corporation of the employer) whether or not the employee is actually performing work at the time, or            (b) At any other place while performing work for the employer (or a related corporation of the employer)”.</i> This includes, for example, employees working from home.
<b>Camera surveillance</b>	Surveillance by means of a camera including an electronic device capable of monitoring or recording visual images of activities on premises or in any other place.
<b>Computer</b>	Anything with electronic processing capacity including, but not limited to, computers, laptops, tablets and mobile phones.
<b>Computer surveillance</b>	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 receipts of emails and the accessing of internet websites).
<b>Notice</b>	Is written notice (which may be by way of an email) that sets out: (c) The kind of surveillance to be carried out (camera, computer or tracking), and (d) How the surveillance will be carried out, and (e) When the surveillance will start, and (f) Whether the surveillance will be continuous or intermittent, and (g) Whether the surveillance will be for a specified limited period or ongoing.
<b>Personal information</b>	Has the meaning set out in the PPIP Act and is information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
<b>Surveillance information</b>	Is information obtained, recorded, monitored or observed as a consequence of surveillance undertaken as part of Council’s Workplace Surveillance Program.
<b>Tracking surveillance</b>	Surveillance by means of an electronic device which is capable of monitoring or recording geographical location or movement (such as Global Positioning System (‘GPS’) tracking device).
<b>Workplace surveillance program</b>	Anything related to or connected with undertaking workplace surveillance including surveillance information, this policy, Workplace Surveillance Procedure and any supporting equipment, technology, records and information, but <b>does not</b> include: (a) Health monitoring undertaken in connection with Council’s health monitoring program; or (b) Drug and alcohol testing undertaken in connection with Council’s drug and alcohol testing program; or (c) Surveillance by means of a listening device.

## Contact officer

Governance and Risk Manager

## Related documents

### Policies

[Code of Conduct](#)

[Cyber Security](#)

[Privacy](#)

[Risk Management](#)

[Work Health Safety](#)

### Procedures

[Data Breach Plan](#)

[Privacy Management Plan](#)

[Motor vehicles conditions of use for road registered motor vehicles](#)

[Workplace surveillance](#)

### Legislation

*Workplace Surveillance Act 2005 (NSW)*

*Surveillance Devices Act 2007 (NSW)*

*Government Information (Public Access) Act 2009 (NSW)*

*Privacy and Personal Information Protection Act 1998 (NSW)*

*Health Records and Information Privacy Act 2002 (NSW)*

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