
Revised Workplace Surveillance policy

Responsible Officer: Group Manager Organisational Services (Helen McNeil)

Recommendation

That Council:

1. Revoke the Workplace Surveillance Policy adopted by Rous Water on 17 June 2015 and the former Richmond River County Council and Far North Coast County Council on 22 June 2015, and any policy revived as a result of the revocation; and
2. Approve the revised Workplace Surveillance Policy attached.

Background

New South Wales is one of only a few jurisdictions in Australia that has enacted legislation regulating surveillance in the workplace - the *Workplace Surveillance Act 2005 (NSW)* ('WS Act').

Under the WS Act, Council is permitted to place under surveillance its employees, contractors and volunteers while they are at work¹ by using computer, camera or tracking surveillance.

The WS Act establishes various additional requirements, such as notice² and signage³ requirements, on the use of particular types of surveillance devices and the circumstances in which surveillance information or records can lawfully be used or disclosed⁴.

Council has had in place a workplace surveillance program since 2015, including a [Workplace Surveillance policy](#) and a Workplace Surveillance procedure adopted by the three separate county councils (Rous Water, Far North Coast Weeds and Richmond River County Council) prior to their amalgamation into the current day Rous County Council.

As part of Council's normal review practices, an updated policy and procedure have now been developed to reflect legislative responsibilities and contemporary business processes/needs, and internal policy standards.

Key Changes – Revised Workplace Surveillance Policy

The substance of the revised Workplace Surveillance Policy ([Attachment 1](#)) remains the same as the existing policy, being that Council remains committed to operating its workplace surveillance program in conformance with the requirements of the WS Act and other applicable legislation.⁵

Provisions of the policy which duplicated provisions of the WS Act have been removed from the revised policy. Similarly, matters deemed operational in nature have been removed from the policy and incorporated into a revised Workplace Surveillance procedure. This has resulted in a more consolidated policy document.

The roles and responsibilities currently set out in the existing policy are an example of operational provisions that have been incorporated into the revised Workplace Surveillance procedure.

¹ Meaning of "at work" is set out in section [5](#) *Workplace Surveillance Act 2005 (NSW)*.

² See section [10](#) *Ibid*.

³ For example, see sections [11\(b\)](#) and [13](#) *Ibid*.

⁴ Section [18](#) *Ibid*.

⁵ For example, the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Government Information (Public Access) Act 2009 (NSW)*.

The review frequency has also been changed from 2-yearly under the existing policy, to 4-yearly under the revised policy to reflect the regular policy review cycle adopted at Council and in recognition of the long-term operation of the workplace surveillance program.

None of the updates made to the revised policy (and revised procedure) fundamentally change the status quo of the current workplace surveillance program, including the type of surveillance operated (i.e. camera, computer, and tracking surveillance) and who is being subjected to the surveillance.

Governance

- **Finance**

Expenses associated with the implementation and maintenance of surveillance devices under the workplace surveillance program are typically met within existing budget allocations assigned to the relevant business area with responsibility for that component of the program.

- **Legal**

The revised Workplace Surveillance Policy and the Workplace Surveillance Procedure have been drafted with due regard to the provisions of the WS Act.

Consultation

The Leadership Group and Leadership Team, together with other internal stakeholders with workplace surveillance roles or responsibilities, have been provided the opportunity of contributing to the development of the revised Workplace Surveillance policy. The revised policy was also provided to Council's Consultative Committee and no feedback conveyed or amendments requested.

Conclusion

The revised Workplace Surveillance Policy complements the statutory requirements established by the WS Act in relation to the operation of Council's workplace surveillance program and brings up-to-date Council's purpose and priorities in maintaining this program.

It is recommended that the existing Workplace Surveillance Policy adopted in 2015 by the three separate counties be revoked and the revised Workplace Surveillance Policy be approved by Council.

Attachment

1. Revised Workplace surveillance policy (for **approval**)