



Mackenzie
DISTRICT COUNCIL

Mackenzie District Council

Privacy Policy

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“Fostering Our Community”

PRIVACY POLICY

Purpose	The purpose of this policy is to outline how Mackenzie District Council, its employees and contractors will comply with good practise, transparency and accountability including the relevant requirements of the Privacy Act 2020 for the collection, recording and handling of public, personal and official information.
Key Points	<p>Mackenzie District Council respects and protects the privacy of all people we deal with and who provide us with information. This policy sets out our approach to the privacy of personal information and is based on the principles expressed through the Privacy Act 2020.</p> <p>This policy provides guidelines for the collection of personal information in general, including the operation of surveillance cameras, drones and other visual images collected by Council and the management of other personal information collected.</p>
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RELATED DOCUMENTS / WEBSITES

Related Council policies and documents include:

- Information Management Policy

Relevant legislation and other resources include (but are not limited to):

- Local Government Act 2002 and the Local Government Act Amendment Act 2014
- Local Government Official Information and Meetings Act 1987
- Privacy Act 2020
- Privacy-and-CCTV-A-guide-October-2009 (from Privacy Commissioner)
- Public Records Act 2005

1. Definitions

Authorised Council Officer: a member of staff of the Mackenzie District Council, who has been delegated authority to monitor and have direct access to recordings from surveillance and/or drone-based cameras and has been made aware of their obligations under the Privacy Act 2020 regarding the confidentiality and appropriate use of surveillance camera services and recordings. The Privacy Officer is considered to be an authorised council officer.

Council Controlled Organisation: means any company with a majority council shareholding, or a trust or similar organisation with a majority of council-controlled votes or council-appointed trustees, unless designated otherwise.

Criminal Activity: means any violation of the law where a person is liable to punishment for a criminal offence. A criminal act often threatens and harms public safety, property and/or welfare.

Drone (or UAV): A drone or unmanned aerial vehicle (UAV) is an aircraft without a human pilot on board, commonly used to capture aerial geographic images.

LGOIMA Request: A request is made by a person asking for access to official information a local authority holds. This means that the person receiving the request must be reasonably able to identify the information requested. The Local Government Official Information and Meetings Act 1987 describes the statutory requirements.

Other Visual Media: Data or information in the form of visual representations such as photographs or film footage, but excludes surveillance camera recordings.

Personal information (or Personal data): This means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

Public Spaces: spaces that are completely accessible to the public, such as streets, footpaths and public reserves.

Semi-Public Spaces: spaces that (even if privately owned) are accessible to the public during opening hours, or sometimes even when the business is closed e.g. a petrol station forecourt.

Privacy Officer: a member of staff of the Mackenzie District Council who has been delegated the responsibilities under section 201 of the Privacy Act 2020.

2. Policy

Personal privacy is important to Mackenzie District Council (referred to in this Privacy Policy as “we”, “our” or “us”). This Privacy Policy governs our collection, use and disclosure of personal information (as defined in the Privacy Act 2020 (Privacy Act)) and has been prepared in accordance with the obligations and rights set out in the Privacy Act.

2.1 Communications or Use of Services

The personal information Council collects may include the name, date of birth, addresses, email address, telephone numbers, gender, information on the use of our services or facilities and any other information provided in connection with, or specifically related to communications with Council, or use of Council’s services or facilities.

Council may collect personal information when an individual or someone acting on their behalf provides information directly. For example:

- Applying for employment
- Corresponding, whether in person, by letter, phone, text, email, instant messages, or other means of electronic communication

- Completing and submitting forms provided by Council for applications for consents, licences, approvals, permits, funding or other authorisations or for the use of any services or facilities, including signing up for and using our online services and apps, such as our online payment services
- Providing a written submission, request or other feedback in relation to applications for consents, licences, approvals, permits, funding or other authorisations, or in relation to any form of draft or proposed plan, policy, bylaw or other document
- Use any of our services or facilities
- Subscribing to any of our newsletter or update services
- Following or posting comments in response to our social media or other facilities such as Facebook, Twitter, LinkedIn, YouTube, etc.

2.2 Recording Information Requested

Council may keep a record of any information acquired from a request or other communication.

2.3 Phone Calls

Council may monitor and record phone calls made to or by Council for quality control or staff training purposes. If an inbound or outbound call is to be monitored and recorded, this will be disclosed at the time of the call.

2.4 Information from other Organisations

Council may collect personal information from other organisations, entities or persons, such as:

- Related organisations including Council Controlled Organisations
- Our suppliers, which include organisations such as:
 - Land Information New Zealand
 - QV
 - Solicitors/conveyancers
- The New Zealand Police, credit reporting agencies and other organisations, entities and persons where you have expressly authorised them to provide us with information.

2.5 Website Access

Council may use technology solutions such as “cookies” to provide website visitors with better access to tailored information and services on the websites.

Our internet service providers may also make a record of website visits and log information for statistical purposes. This information is only analysed on a bulk basis for broad demographic content. Individual use is not analysed. We do not attempt to identify users or their browsing activities unless they choose to give us personal information while using our website.

A privacy statement is published on the Mackenzie District Council website and updated from time to time advising ratepayers, residents and the people Council interacts explaining Council's commitment managing information with respect, trust and fairness to everyone.

2.6 Surveillance Cameras

Surveillance cameras such as "Closed Circuit Television" (CCTV) may be used in particular areas to monitor passenger and traffic movements, secure facilities such recreation centres, and monitor public places in order to help reduce crime and anti-social behaviour and to promote community safety.

Signage advising of CCTV equipment will give notice of areas covered by such equipment. Surveillance camera recordings will only be viewed by authorised people in accordance with the purpose noted above or for the purposes of regularly checking the system is operational. No attempt is made to identify individuals from surveillance camera recordings except in relation to a reported or suspected incident requiring investigation (see the following Section 3. for further policy detail about surveillance camera operation and management).

2.7 Use of Information Collected

The personal information that we collect may be used for any of the following purposes:

- To provide services or facilities, including those requested and assisting Council provide such services or facilities
- To positively confirm identity. This is to avoid inappropriate release or use of information
- To respond to correspondence or to provide information requested
- To process an application for any consent, licence, approval, permit or other authorisation applied for
- To process an application to use or to register for any of our services or facilities, including online services
- To process payments received by, or made by council
- To respond to requests, enquiries or feedback, or for customer service-related activities
- To provide information about our events, news, services or facilities
- To comply with relevant laws and regulations
- To carry out activities connected with the running of our business or operations such as personnel training, or testing and maintenance of computer and other systems
- For any specific purpose which we notify you of at the time your personal information is collected
- For general administrative and business purposes.

2.8 Sharing Information

Council may disclose personal information to:

- Any person engaged by the council to provide products or services, where that information is necessary for the provision of those products or services
- Council Controlled Organisations, in order to assist with the functions and services that they provide

- A third party if we are required to do so under any laws or regulations, or in the course of legal proceedings or other investigations. This may include sharing surveillance camera recordings with the New Zealand Police or other public sector agencies where criminal activity is reported or suspected. The New Zealand Police may also access live feeds from certain surveillance cameras from time to time, for law enforcement, investigation and emergency response purposes.
- Any person authorised by the information owner to disclose that personal information to
- Any person, if that information is held in a public register, e.g. information held on property files or the rating information database.

2.9 Security and Accuracy

Council will take reasonable steps to ensure personal information is:

- Protected against loss, damage, misuse and unauthorised access. Access to personal information is restricted to those individuals who need access to this information to performing our duties and obligations
- Accurate, up to date, complete, relevant, and not misleading.

2.10 Retaining Information

Council may retain all personal information that we collect (on both our active systems and our archive systems), for as long as administratively necessary, in accordance with the council’s information retention and disposal schedule.

The Public Records Act 2005 requires Council to retain “protected records” indefinitely. In some circumstances, your personal information may be included within a protected record, including submissions you make in relation to bylaws, annual plans, and district or regional planning instruments.

2.11 Accessing and Correcting Personal Information

Members of the public may request confirmation of whether or not Council holds any personal information and may request access to such information by emailing us at info@mackenzie.govt.nz or otherwise contacting us. Once the identity of the requestor has been verified Council will provide confirmation and access unless one of the grounds for refusal to do so under the Privacy Act applies.

Members of the public may request that the personal information held by Council be corrected by emailing us at info@mackenzie.govt.nz. If Council agrees that the personal information is to be corrected an amended record will be provided if requested.

Rights of access to and correction of any personal information Council holds are subject to the procedures set out in the Privacy Act.

3. Surveillance Cameras (fixed or via Drones)

The Council’s aim through the use of surveillance or aerial photography cameras (via CCTV (Closed Circuit Television System or drones) is:

- to improve safety for staff, our contractors and the public

- to deter potential vandalism and damage
- to assist in council by-law enforcement
- to assist in enhancing the operational effectiveness and safety of Council facilities and services
- to use, where appropriate, for law enforcement purposes

This policy applies to the on-going use of the systems (cameras, recording and viewing equipment) and data, whether on site or elsewhere, to ensure compliance with the Privacy Act 2020 (the Act) and other legislation. It is important that the system design, use and management complies with relevant sections of the Privacy Act and that recorded data is managed diligently. Compliance with the Act is necessary as surveillance camera recordings may include information covered by that Act.

3.1 Monitoring

The recording devices/servers for surveillance cameras (including drone footage) are to be installed in a secure location as agreed upon with the Authorised Council Officer. Only persons trained and authorised are allowed access to recorded camera footage stored in this location.

All footage is kept for the duration of the intended purpose and then the data is overwritten as part of the recording process, unless it is exported for evidential purposes.

Live streaming camera monitoring is restricted to locations where it is necessary, depending on the purpose of the camera.

Council reserves the right to have remote access to all footage created by Council owned cameras.

Where cameras are monitored via a mobile device (such as a smartphone, tablet or similar device) an Authorised Council Officer shall ensure that no unauthorised person has the ability to view the device.

3.2 Signage of Cameras

Public signs identifying a surveillance area will be clearly displayed within the vicinity of the cameras to notify the public that a camera is or may be in operation and to act as a crime deterrent. The erection and maintenance of the signs is the responsibility of the Mackenzie District Council.

Public notices will be placed in local newspapers at the time the system is about to start operating and at regular intervals during the life of the system to ensure that the public is aware that surveillance cameras are operating. Public notices will also be issued in local newspapers to inform the public of any changes to surveillance camera systems.

3.3 Camera Coverage

All Council facilities, premises and areas may at some point in time be monitored by surveillance cameras, the exceptions being listed below:

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

- Authorised staff and contractors will select and place the surveillance camera equipment to meet the stated purposes. Servicing of the equipment and checking recording quality will be attended to as required.

Generally, unless there is sufficient justification for doing so (e.g. reasonable suspicion that an offence is taking place) cameras will not:

- Track or zoom in on any member of the public
- Be focused on entranceways to buildings or be directed to look through windows into buildings
- View into private spaces that lie alongside the public or semi-public spaces under surveillance by the system (except as part of a wide angle or long shot or while panning past them).

3.4 Secure Storage of Surveillance Camera Recordings

All information collected from surveillance cameras will be stored securely. All footage is kept for up to two months and then the data is overwritten as part of the recording process, unless it is required for evidential purposes or if the footage must be retained as an archive in accordance with the Public Records Act 2005.

- Access to the Council’s surveillance camera services is protected by a password.
- A log of access to surveillance camera recordings will be maintained by Authorised Council Officers.
- Geo-spatial aerial images from drone cameras are not regarded as surveillance camera recordings and are outside the scope of this Policy.

3.5 Expansion of the Surveillance services

Requests and proposals for the expansion of the current surveillance camera services are to be directed to the Mackenzie District Council. The following shall be considered when assessing any request or proposal for expansion of the current system:

- Alignment with the purpose of the surveillance service as outlined in this policy
- The crime statistics and proposed benefits for locating a camera at the proposed area
- How well the existing system is working and whether there is a need for review or audit of the system
- Costs involved in extending the system
- Potential funding options
- The priority of installation
- The council’s LTP and budget implications
- The Privacy Act 2020

Before making a decision, Council will also consider any affected parties to the application and undertake necessary consultation to gather all views to make a robust decision. Ultimately Council having received all the information, including any cost benefit analysis, may approve, decline or approve in part the proposal.

3.6 Access and Use of Surveillance Camera Recordings

Any formal written request by an individual to view recordings related to them will be referred to the Privacy Officer for consideration. Any such request will be limited by the ease of access to the

recordings and by the need to protect other people's privacy. If a request to view the recordings is unable to be granted without unreasonably breaching others' privacy, a written description may be provided of what they are doing in the footage. Any such request will be responded to within the terms of the Official Information Act and LGOIMA Requests (see Information Management Policy for further guidance).

The Privacy Officer and/or the Customer Services Manager will allow access only of relevant surveillance camera recordings to:

- Authorised staff of Mackenzie District Council.
- Contractors on site specifically to work on the surveillance camera equipment at the request of the Customer Service Manager or the Privacy Officer
- New Zealand Police or other public sector agency such as the Privacy Commissioner
- Individuals who have formally requested information at the authorisation and direction of the Privacy Officer and within the terms of a LGOIMA Request.

3.7 Access by Elected Members, Council Staff and Contractors

Only authorised council officers have direct access to the Council's surveillance camera services and recordings. Authorised council officers are specific officers that have been granted access through delegations by the Chief Executive Officer of the Council. These delegations are contained in the Council's Delegations Manual.

An authorised council officer may review any relevant surveillance camera recordings for monitoring purposes or in response to an event/incident.

Surveillance camera recordings can only be viewed by elected members, council contractors and council staff (that are not authorised council officers) if viewing that footage is relevant to their role within the Council and is in accordance with the purpose/s for the operation of the surveillance camera service.

Where an elected member, council employee or a council contractor has concerns about health and safety matters or compliance with Council regulations which may have been captured by a camera, they should in the first instance report the matter to the Council for authorised council officers to investigate.

The manner in which council officers access surveillance camera recordings will be audited to ensure access is only being used for its intended purposes. Any confirmed breach of access to the Council's surveillance camera services and recordings will be treated as non-compliance with the Council's workplace standards and subject to disciplinary action.

3.8 Access by NZ Police, Courts and Public Sector Agencies

The New Zealand Police may be provided access to surveillance camera services and recordings. Any criminal activity captured by the Council's surveillance camera services may be forwarded by authorised officers to the New Zealand Police for investigation.

In accordance with the Act any surveillance camera recordings will be made available to the Police, a court or tribunal proceeding, or a public sector agency where it is necessary to uphold the law.

3.9 Access Requests from other parties

The general public and media shall not have access to any surveillance camera recordings, unless a person is requesting to access footage of themselves.

Any person may request to access surveillance camera recordings of themselves, but this request will be assessed in accordance with the Act and will follow the LGOIMA Request process (see Information Management Policy for further details). In particular the request will be assessed in relation to the ability to readily retrieve the footage and to maintain the privacy of any other identifiable individual in the footage.

If a request to view the footage cannot be granted by an authorised council officer a written or oral description may be provided of the footage.

Where a member of the public believes a crime has been committed which may have been captured by a camera, they should in the first instance report the matter to the Police. Where a member of the public has concerns about health and safety matters or compliance with Council regulations which may have been captured by a camera, they should in the first instance report the matter to the Council for authorised council officers to investigate.

4. Other Visual Media

The Council may collect personal information in the form of other visual media, for the following purposes:

- For use in various documents of the Council and on the Council's website, including but not limited to planning documents, maps and promotional material
- To monitor the state of Council assets and facilities
- To monitor and respond to civil defence emergencies and health and safety situations at Council owned assets and facilities
- To monitor compliance with Council regulations and central government legislation, including but not limited to the Building Act 2004, the Resource Management Act 2002, and the Dog Control Act 1996.

4.1 Managing Other Visual Media

Where an individual is clearly identifiable in other visual media (excluding surveillance camera recordings) collected by the Council the council officer will endeavour, where practicable, to seek permission of the individual to collect that footage/image.

The general public and the media shall not have access to any visual media held by the Council, unless a person is requesting to access footage of themselves. These requests will be handled in accordance with LGOIMA Requests (see the Information Management Policy for further details).

Other visual media will be stored in the Council's document management system which can only be accessed by employees of the Council.

5. Audio Recording

Mackenzie District Council may record Council meetings and phone calls made to or by Council employees for the following purposes:

- To provide an accurate verbatim record of meetings
- For quality control or employee training purposes

If phone calls are to be recorded, this information will be provided at the time of the call. Similarly, with audio recording of meetings, Mackenzie District Council will inform attendees at the meeting outset that audio may be recorded.

Audio recordings are stored securely for up to one year from the date of recording.

6. Clarification and Breaches

6.1 Clarification

Clarification regarding this policy can be sought from the Mackenzie District Council General Manager Corporate Services.

6.2 Breaches

The Mackenzie District Council General Manager Corporate Services is responsible for monitoring compliance with this policy. Failure to comply may be considered misconduct and may result in disciplinary action.

6.3 Exceptions

The Mackenzie District Council General Manager Corporate Services (being the policy owner) will need to authorise any deviations from this policy.

6. Appendix A – Surveillance Camera Services

The following table summarises the surveillance camera services currently deployed by Mackenzie District Council.

Camera Service	Location	Primary Purpose
Twizel Town Centre	Market Place Southern Entrance Market Place Northern Entrance Market Place Overview (camera located on top of the Council building) Council reception x 2 Post Office Boxes Market Place Public Toilets Events Centre Gym Entrance Events Centre Gym Rear Door Events Centre Sports Hall Events Centre Entrance	Visibility to the Council of vandalism, theft or general damage
Twizel Sewage Ponds	Twizel-Tekapo Road	Holding contractors accountable for correct dumping procedures
Fairlie Sewage Ponds	Talbot Road, Fairlie	Holding contractors accountable for correct dumping procedures