



**OFFICIAL: Sensitive**

Our Ref: 23-2102  
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**Re: Freedom of Information Act application**

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), which was received on 11 April 2023, access was sought to:

*"1. Provide all the documents regarding the code of conduct/general orders in regards to CCTV security footage."*

On Tuesday 18 April 2023 you were asked to confirm which General Order you required access to.

On 26 April 2023 in response to my email, you specified you required the following:

*"Provide a list of all the general orders mentioning CCTV and I may be able to narrow it down a bit more but I want all the general orders on the CCTV security cameras at police stations, in the public areas and the non public areas.*

*Provide all the general orders mentioning the secure storage of CCTV footage (what system the data is stored on).*

*The general orders mentioning who can access the system the CCTV footage data is stored on.*

*The general orders mentioning the requirements to keep logs on all access into the CCTV data storage system (audit logs/chain of custody logs).*

*Provide all the general orders mentioning where these CCTV security cameras can be set up and the privacy provisions that need to be taken."*

Under the FOI Act, an agency has 30 days to respond to a freedom of information request. As SAPOL did not respond to your request within the time frame required, it is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.



South Australia Police (SAPOL) has located documents that fall within the scope of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

<b>SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE</b>				
<b>No.</b>	<b>Document Description</b>	<b>Status</b>	<b>Clause</b>	<b>Reason</b>
1	General Order, Closed Circuit Television in Public Places	Full Release		
2	General Order, Digital Evidence	Partial Release	4(2)(a)(iii) 4(2)(a)(v) 4(2)(b)	There are significant parts of this document which are outside the scope of your request. However, to supply you with a copy of the relevant parts of the document, I am required to provide justification for the parts of the document which have been redacted. I have detailed my rationale in the paragraphs below this table.

**CLAUSES FOR REFUSAL**

Clause 4(2)(a)(iii) of Schedule 1 of the FOI Act which states:

*“A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law).”*

Clause 4(2)(a)(v) of Schedule 1 of the FOI Act which states:

*“A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to endanger the security of any building, structure or vehicle.”*

Clause 4(2)(b) of Schedule 1 of the FOI Act which states:

*“A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to the public interest.”*

**In relation to content redacted pursuant to Clause 4(2)(a)(iii) & 4(2)(b) within Doc 2 - General Order, Digital Evidence, I provide the following rationale for the partial release of the document:**

I have applied Clause 4(2)(a)(iii) & 4(2)(b) to a portion of the redacted content as it identifies police methodology which would otherwise not be publicly known. Release of this information has the potential to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. The information identifies investigative methodology which upon release would assist endeavours to evade police methods or practices and thereby reduce the ability for SAPOL to obtain evidence and subsequently investigate offences.

Having decided that parts of the document are considered exempt under Clause 4(2)(a)(iii), I must also be satisfied that access to that information would be contrary to the public interest as specified under Clause 4(2)(b). Whilst I am satisfied that access to the document would promote the objects of the FOI Act and be of interest to the community, the document itself is

not relative to the applicant's own personal information and there would be a strong public interest in ensuring that SAPOL has the ability to obtain evidence and prevent, detect and investigate contraventions of law in a manner which is not compromised or prejudiced in any way.

Upon balancing the public interest considerations, I have concluded that the ability for SAPOL to conduct its operations with regards to contraventions of law without compromise or prejudice, far outweighs the public's interest in the information and therefore consider it exempt from disclosure pursuant to clauses 4(1)(a)(iii) & 4(2)(b) of the FOI Act.

**In relation to content redacted pursuant to Clause 4(2)(a)(v) & 4(2)(b) within Doc 2 - General Order, Digital Evidence, I provide the following rationale for the partial release of the document:**

A portion of the redacted text includes the location of a SAPOL premises which could reasonably be expected to endanger the security of the premises by identifying the location at which digital evidence is stored and increase the risk of offences such as theft, vandalism and trespass. The need to preserve the security of the police premises is of great importance to ensure safe storage of information and the effective completion of duties by police officers and the general safety of the public.

I have identified the following factors in favour of disclosure:

- achieving the objects of the FOI Act

I have identified the following factors contrary to disclosure:

- preserving the security of a police premises to ensure that police officers are able to effectively carry out their duties & the storage of police records is secure & protection of the public via inadvertent release of sensitive information
- reducing the risk of an offence being committed such as theft, trespass or vandalism.

In light of the factors above, I consider that the factors contrary to disclosure far outweigh those in favour of disclosure and consider the redacted content exempt pursuant to clauses 4(1)(a)(v) & 4(2)(b) of the FOI Act.

### **Your rights to review**

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$39.00, if applicable.

Yours sincerely,



Senior Sergeant Kelly Johnson  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

12 May 2023