

## 1. INTERNET CAMERAS IN BUS XCHANGE FOR COMMERCIAL MARKETING PURPOSES

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The purpose of this report is to apprise Councillors of the request to use privately owned internet cameras in the Council owned Bus Xchange building, for commercial marketing purposes, and to seek a policy decision to deal with that request.

### BACKGROUND

The Bus Xchange in Lichfield Street is a Council owned building providing undercover facilities for bus passengers. Those facilities include the Council owned "Real Time Passenger Information System" purchased from a Christchurch owned Company, Connexionz Ltd, which enables intending passengers to better manage their bus travel options.

### CURRENT REQUEST

The Property Manager has received a 26 August letter from Mr Robert Burke, Manager Director of Connexionz Ltd, seeking "to install two or three Internet cameras streaming video of a bus stop with the Busfind™ and B Lounge at the Xchange".

Mr Burke goes on to advise that "this would be displayed in conjunction with a web page to show the system bus arrival predications. The main software operates over the Internet so this can be demonstrated whilst live video can support what the system is showing. Connexionz would like to install an Internet camera in the Bus Xchange; this would be a fixed camera without the ability to pan or zoom. It would be installed on the Lichfield Street wall near the corner with the bus entry lane, looking over the passenger waiting area toward B1 & B2. The purpose is to show that the passengers trust and respond to the information the system displays and because of the high frequency of service through B lounge, it is a very good visual representation of the system's reliability."

This request has been treated with some urgency, as Connexionz wish to exhibit their Christchurch manufactured equipment at a trade show in Birmingham, England, late in September 2003.

### CONSIDERATION OF ISSUES

#### Policy with Regard to Private Monitoring Equipment on Public Land/Buildings

Currently the Council does not have a policy with regard to allowing/enabling private/commercial surveillance equipment on public land/buildings. Whilst approval of this application could be seen to set a precedent, the Property Manager believes that a blanket policy is inappropriate and that any application should be considered in relation to its own unique cost/benefit and advantages/disadvantages.

#### Consultation

With regard to LGA 2002 obligations, the Council needs to consider whether or not this proposal should be subject to any consultation process. The Council's legal advice is that consultation is not mandatory in this instance, although is open to the Council.

Officers believe that it would be impractical to consult on this issue given the timeframes involved. It should also be noted that the Council already owns and operates security cameras throughout the Bus Xchange and there is wall signage advising of this. Additional internet cameras of the type proposed will have little impact on existing arrangements and accordingly no consultation is proposed.

#### Privacy Act Issues

Buddle Findlay's opinion has covered this matter in detail and concludes by advising that:

*"In our view there is no legal restriction on having a live internet camera operation in the way proposed in Connexionz's letter of request. If the operation is conducted as described, we see no risk of a breach of Privacy Act principles. Furthermore, the (Mike) Hosking decision discussed above confirms there is no recognised general tort of privacy which would prevent filming of people in a public place such as the Bus Xchange."*

*This conclusion accords with common sense. The proposal is to do no more than allow the potential purchaser to see what he or she would see if able to conduct a site visit. Furthermore, recording of people in public places occurs regularly for all sorts of legitimate reasons, for example when television footage is taken of events in a public place, without any suggestion that this could or should be legally challenged.*

**Costs/Benefits**

In facilitating the installation of cameras, the costs/benefits could be considered as follows.

Costs	Benefits
<ul style="list-style-type: none"> <li>• Perceived intrusion of privacy by some bus patrons.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential export orders for a Christchurch manufacturer.</li> <li>• Some income to the Council from a licence agreement.</li> <li>• Potential of site visits to further consider equipment with resultant visitor spending.</li> <li>• Recovery of all costs incurred by the Council.</li> <li>• Perceived additional (but not real) security benefit.</li> </ul>

**TENURE ARRANGEMENTS**

It is anticipated that the parties will enter into a licence agreement, with consideration payable to the Council through an independent valuation process.

The licence will have the standard provisions normally negotiated under such an agreement but will additionally safeguard the Council by the inclusion of:

- A warranty that the filming will only be undertaken in the manner proposed and that the images will be used for no other purposes than the purposes stated to the Council.
- Express agreement from the licensee that the use of the intended camera in the Bus Xchange is permitted only on the basis that no representation is made in any marketing material using the video link, that the Council is endorsing or warranting the product and that the licence holder should agree to indemnify Council should any claims be made against Council on this basis.

**Staff**

**Recommendation:** That, subject to a licence being entered into on terms and conditions approved by the Council’s Director of Legal and Secretariat Services, the Council approve the installation of video cameras owned by Connexionz Ltd, at the Bus Xchange, for the purpose of marketing Connexion manufactured bus tracking equipment.

**Chairman’s**

**Recommendation:** Not seen by Chairman.