


# POLICY

	Policy:	<b>Video Surveillance Policy</b>		
	Department:	Office of the Chief Administrative Officer		
	Division:	Clerk's Division	By-Law No.:	N/A
	Administered By:	Clerk/Risk Manager	Approval Date:	DRAFT
	Replaces:	Video Surveillance Policy – March 18, 2013		
	Attachment(s):	N/A		

## 1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to the principle of minimal intrusion by video surveillance systems to ensure the security of individuals, assets and property.

## 2. PURPOSE

- 2.1. Video security surveillance systems, when used with other security measures, are an effective means of ensuring the security and safety of the Town facilities, the individuals who use them, and the assets housed within them. However, the need to ensure security and safety must be balanced with an individual's right to privacy. The purpose of this policy is to establish guidelines which are intended to achieve a balance between security, safety and an individual's right to privacy.
- 2.2. This policy provides parameters regarding the use of video surveillance systems, specifically regarding the requirements for installation, operation and use of information obtained from the system.
- 2.3. This policy determines the location, use and purpose for video surveillance systems in the Town of Amherstburg.
- 2.4. This policy ensures that the installation and use of video equipment is in the interests of privacy, public safety and the protection of property.

## 3. SCOPE

- 3.1. This policy applies to all video security surveillance systems located in Town properties and facilities.
- 3.2. This policy applies to all Town of Amherstburg employees, including full-time, part-time, casual, contract, volunteer and co-op placement employees. Contractors and service providers are afforded the same rights, responsibilities and expectations as employees in this policy, while performing authorized activities for the Town.
- 3.3. This policy does not apply to any form of covert surveillance used as an investigation tool for law enforcement purposes or in contemplation of litigation.
- 3.4. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

## 4. DEFINITIONS

- 4.1. **Personal Information** is defined in section 2 of the *Municipal Freedom of Information and Protection of Personal Privacy Act* (MFIPPA) as recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex and age. If a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the Act.
- 4.2. **Privacy Impact Assessment (PIA)** is a risk management tool that helps to identify the effects of a given program or other activity on an individual's privacy, and the safeguards or strategies that may be employed to eliminate the adverse outcomes of those effects or reduce them to an acceptable level.
- 4.3. **Record** is defined in section 2 of the *Municipal Freedom of Information and Protection of Personal Privacy Act*, means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record.
- 4.4. **Video Surveillance System** refers to a video, physical or other mechanical, electronic digital or wireless surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces (including streets, highways, parks, etc.).
- 4.5. **Reception Equipment** refers to the equipment or device used to receive or record the personal information collected through a video surveillance system, including a camera or video monitor or any other video, audio, physical or other mechanical, electronic or digital device.
- 4.6. **Storage Device** refers to a videotape, computer disk or drive, CD ROM, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

## 5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

## 6. GENERAL CONDITIONS

### 6.1. **Considerations**

- 6.1.1. Prior to installation of video surveillance equipment, the Town shall consider the following:

- 6.1.1.1. The use of video surveillance be considered in relation to an articulable concern for the safety of individuals or the protection of property where the addition of surveillance would enhance the protection and safety of employees and the general public, and reduce or deter incidents of vandalism or criminal activity.
- 6.1.1.2. The gathering and management of data through video surveillance equipment will be conducted in accordance with the Town's electronic monitoring practices which has been disseminated to all Town employees.
- 6.1.1.3. That a Privacy Impact Assessment (PIA), be conducted by the MFIPPA Coordinator of the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects may be mitigated by examining collection, use, disclosure, and retention of personal information.
- 6.1.1.4. Video cameras are to be installed in identified public properties where video surveillance is a necessary and viable detection or deterrence activity.
- 6.1.1.5. Any agreements between the Town and service providers shall state that records dealt with or created through video surveillance are records of the Town, which remain under its custody and control and are therefore subject to MFIPPA and other applicable laws, by-laws and policies.
- 6.1.1.6. That employees and service providers (in the written agreement) are required to review and comply with the policy and the *Municipal Freedom of Information and Protection of Personal Privacy Act* in performing their duties and functions related to the operation of video surveillance systems.

## 6.2. Installation and Placement

- 6.2.1. Equipment shall be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance.
  - 6.2.1.1. Video surveillance equipment shall never monitor the inside of areas where the public has a higher expectation of privacy such as change rooms and washrooms.
- 6.2.2. Wherever possible, equipment should be installed in a strictly controlled access area. Only controlling personnel should have access to the access area and equipment.
- 6.2.3. Adjustment of the camera position should be restricted, wherever possible, to ensure only designated areas are being monitored.

### 6.3. Notification

- 6.3.1. The public shall be notified of the existence of video surveillance equipment by clearly written signs with graphical depictions prominently displayed at the entrances, exterior walls, interiors of buildings, and/or, the perimeter of the video surveillance areas.
- 6.3.2. Signage must satisfy the notification requirements under section 29(2) of the *Municipal Freedom of Information and Protection of Privacy Act*, which include:
  - 6.3.2.1. Informing individuals of the legal authority for the collection of personal information;
  - 6.3.2.2. The principle purpose(s) for which the personal information is intended to be used; and,
  - 6.3.2.3. The title, business address, and telephone number of someone who can answer questions about the collection.
- 6.3.3. The following is suggested wording for use in building signage, based on identified requirements of the Information and Privacy Commission:

“THIS AREA IS MONITORED BY VIDEO SURVEILLANCE CAMERAS. The personal information collected by the use of the camera at this site is collected under the authority of the *Municipal Act*, section 11 and the Town’s Corporate Policy on Video Surveillance. This information is used for the purpose of promoting public safety and protection of property at this site.

*Please direct inquiries to:* (title, business address and phone number of someone who can be contacted during business hours to answer questions about the collection of personal information).”

### 6.4. Operation of Video Surveillance Systems

- 6.4.1. Only designated individuals may operate video surveillance systems. A list of those authorized and designated to do so will be maintained.
- 6.4.2. An appropriate training program for the operation of video surveillance equipment, including operator responsibilities with respect to protection of privacy and confidentiality, shall be established and administered.

### 6.5. Use of Information Collected

- 6.5.1. The information collected through video surveillance shall be used exclusively to:
  - 6.5.1.1. Assess the effectiveness of safety and security measures taken at a particular facility;

- 6.5.1.2. Detecting, deterring and investigating unlawful activity which includes possible contravention of any federal or provincial law or municipal by-laws.
- 6.5.1.3. Investigate an incident involving the safety or security of people, facilities or assets;
- 6.5.1.4. Provide law enforcement agencies with evidence related to an incident under police investigation;
- 6.5.1.5. Provide evidence as required to protect the Town's legal rights;
- 6.5.1.6. Respond to a request for information under the *Municipal Freedom of Information and Protection of Personal Privacy Act*;
- 6.5.1.7. Investigate an incident or allegation of serious employee misconduct; or,
- 6.5.1.8. Investigate an incident involving an insurance claim.

## 6.6. Custody

- 6.6.1. The Town is responsible to ensure the security of any records, from creation through to final disposition, in accordance with the Town's *Records Retention Policy* and legislated requirements. Ownership of all video surveillance records shall remain with the Town.

## 6.7. Retention

- 6.7.1. Records created through video surveillance systems shall be maintained according to the Town's *Records Retention Policy* and all applicable legislated requirements, inclusive of a one-year minimum retention period for any record viewed as part of a police investigation and a frozen retention for any record involved in an ongoing litigation or law enforcement investigation.

## 6.8. Storage

- 6.8.1. All records will be securely stored and filed in accordance with the Town's *Records Retention Policy* and all applicable legislated requirements.

## 6.9. Access

- 6.9.1. Access to video surveillance records shall be restricted to those responsible for the administration of the video surveillance system and to those who require access to the records for the purposes of risk management, investigating incidents or other lawful purposes.
- 6.9.2. For all requests, the request form must be submitted to the Clerk.

- 6.9.2.1. A record will be kept for any and all access provided to video surveillance information in accordance with the *Records Retention Policy*.

## 6.10. Unauthorized Disclosure/Access

- 6.10.1. Any Town of Amherstburg employee having knowledge of an unauthorized disclosure of a record or unauthorized access must immediately inform the Clerk.

## 7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
  - 7.1.1. Approve the *Video Surveillance Policy*.
- 7.2. The **CAO** has the authority and responsibility to:
  - 7.2.1. Direct compliance with the *Video Surveillance Policy*.
- 7.3. The **Clerk** has the authority and responsibility to:
  - 7.3.1. Review requests for the installation of video surveillance systems on properties owned, leased, or maintained by the Town of Amherstburg.
  - 7.3.2. Conduct Privacy Impact Assessments in accordance with this policy.
  - 7.3.3. Review video surveillance service agreements.
  - 7.3.4. Determine when a disclosure of information captured through video surveillance is warranted in accordance with all applicable legislation.
- 7.4. The **Director, Parks, Recreation, Facilities and Culture** has the authority and responsibility to:
  - 7.4.1. Ensure appropriate departmental oversight to administer and comply with the policy
- 7.5. The **Director, Corporate Services and CFO** has the authority and responsibility to:
  - 7.5.1. Ensure appropriate departmental oversight to administer and comply with the policy
- 7.6. The **Manager, Information and Technology** has the authority and responsibility to:
  - 7.6.1. Define the specifications of the equipment and anticipate cybersecurity, storage and network requirements.
  - 7.6.2. Ensure access is provided only to those individuals having a legitimate need to view the record, as determined and communicated by the Clerk.
  - 7.6.3. Maintain a record of any and all access provided to video surveillance information.
  - 7.6.4. Ensure a periodic audit of access rights to video surveillance systems is completed.
  - 7.6.5. Ensure employees that operate the video surveillance equipment are trained, including operator responsibilities with respect to the protection of privacy and confidentiality.
- 7.7. The **Manager, Municipal Facilities** has the authority and responsibility to:
  - 7.7.1. Ensure the installation of video surveillance systems is done in accordance with this policy.
  - 7.7.2. Ensure information on video surveillance activities are posted publicly in accordance with the requirements set out in this policy.

- 7.8. **Staff** have the authority and responsibility to:
  - 7.8.1. Adhere to the *Video Surveillance Policy*.
  - 7.8.2. Report suspected contraventions of this policy and/or breaches of privacy related to the use or misuse of video surveillance systems to the Clerk.

## **8. REFERENCES AND RELATED DOCUMENTS**

- 8.1. *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- 8.2. Information and Privacy Commissioner of Ontario Technology Fact Sheet – Video Surveillance