

**TOWN OF
AMHERSTBURG**



POLICY: Video Surveillance Policy
SOURCE: Council & Legislative Services/
Recreation, Culture and Tourism
**DATE
ENACTED:** March 18, 2013
**DATE
AMENDED:**

1. POLICY STATEMENT:

1.1 It is the policy of The Corporation of the Town of Amherstburg to utilize video surveillance to ensure the security of individuals, assets and property.

2. PURPOSE:

2.1 Video security surveillance systems, when used with other security measures, is 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 and safety and an individual's right to privacy. Specifically, this policy addresses the following with regard to video surveillance systems:

- Installation of the system;
- Operation of the system;
- Use of the information obtained through the system
- Custody, control and access to records created through the system

3. SCOPE:

3.1 These Guidelines apply only to video security surveillance systems used in connection with Town facilities.

3.2 These Guidelines do not apply to any form of surveillance by law enforcement or to covert surveillance for other legal purposes.

4. DEFINITIONS:

4.1 In this policy:

Facility is defined as any building or land that is either owned or occupied by the Town.

Personal information is defined in section 2 of the Act 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.

Record, also defined in section 2 of the 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.

Video Surveillance System refers to a video, physical or other mechanical, electronic, digital or wireless² 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).

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.

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.

5. CONSIDERATIONS

- 5.1 Prior to installation of video surveillance equipment, the Town must consider the following:
- (a) The use of video surveillance should be considered in relation to an articulable concern for the safety of individuals or the protection of property.
 - (b) Video cameras should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity.
 - (c) An assessment of the privacy implications should be conducted 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.
 - (d) A requirement that any agreements between the Town and service providers state that the records dealt with or created while delivering a video surveillance program are under the Town's control and subject to privacy legislation (MFIPPA).
 - (e) A requirement that employees and service providers (in the written agreement) review and comply with the policy and the Act in performing their duties and functions related to the operation of the video surveillance system

6. INSTALLATION AND PLACEMENT

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

7. NOTIFICATION

- 7.1 The public should be notified of the existence of video surveillance equipment by clearly written signs prominently displayed at the entrances, exterior walls, interior of buildings and/or perimeter of the video surveillance areas.
- 7.2 Signage must satisfy the notification requirements under section 29(2) of the *Act*, which include:
 - informing individuals of the legal authority for the collection of personal information;
 - the principal purpose(s) for which the personal information is intended to be used; and
 - the title, business address and telephone number of someone who can answer questions about the collection;
- 7.3 The following is suggested wording for use in building signage, based on a minimum requirement 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 (insert authority of Act or By-law). 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)"

8. OPERATION OF VIDEO SURVEILLANCE SYSTEMS

- 8.1 The Manager is authorized to designate persons to operate the video surveillance system. The manager will maintain a list of all persons designated and only those who have been designated can operate the systems.
- 8.2 The Manager is responsible for establishing an appropriate training program for the operation of the equipment, including operator responsibilities with respect to

protection of privacy and confidentiality, and for ensuring that all system operators are trained appropriately

9. USE OF INFORMATION COLLECTED

9.1 The information collected through video surveillance is used only:

- To assess the effectiveness of safety and security measures taken at a particular facility;
- To investigate an incident involving the safety or security of people, facilities, or assets;
- To provide law enforcement agencies with evidence related to an incident under police investigation;
- To provide evidence as required to protect the Town's legal rights;
- To respond to a request for information under the Municipal Freedom of Information and Protection of Privacy Act;
- To investigate an incident or allegation of serious employee misconduct; or
- To investigate an incident involving an insurance claim.

10. CUSTODY

10.1 The Manager is responsible for ensuring the security of any records, from creation through to final disposition.

11. RETENTION

11.1 The retention period for information that has not been viewed for law enforcement, public safety purposes, or security of public property shall be thirty (30) calendar days for digital systems. Once the retention period is met, all tapes must be erased and reused or securely disposed of (shredded, burned or degaussed).

11.2 When recorded information has been viewed for law enforcement or public safety purposes, the retention period shall be a minimum of one (1) year from the date of viewing unless involved in an active police investigation.

11.3 The Town will store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them.

12. STORAGE

12.1 All tapes or other storage devices that are not in use should be dated, labeled and stored securely in a locked container located in a controlled access area.

13. ACCESS

- 13.1 Only those having a legitimate need to view the record will be given access.
- 13.2 An access request form must be completed and submitted to the Manager.
- 13.3 For all requests related to investigations of insurance claims, the request form must be submitted to the Town Clerk. In all other cases, the Manager will determine whether access can be provided. In making a determination, the Manager may consult with Legal Services and/or the Town's Clerk.
- 13.4 When access to a record is given, the following information will be logged for audit purposes:
- The date and time at which the access was allowed or the date on which disclosure was made;
 - The identification of the party who was allowed access or to whom disclosure was made;
 - The reason for allowing access or disclosure;
 - The extent of the information to which access was allowed or which was disclosed; and
 - Provisions for the return of the record or its destruction.
- 13.5 Anyone who is authorized to have access to any record created through video surveillance systems will be required to sign a written agreement regarding his or her duties, obligations, and responsibilities with respect to the use and disclosure of the record.

14. UNAUTHORIZED DISCLOSURE/ACCESS

- 14.1 Any Town of Amherstburg employee having knowledge of an unauthorized disclosure of a record or unauthorized access must immediately inform the Manager of the breach. The Manager will inform the Clerk, and together they will take all reasonable actions to recover the record and limit the record's exposure.

15. REFERENCE

- 15.1 The Municipal Freedom of Information and Protection of Privacy Act, IPC Guidelines for Using Video Security Surveillance Cameras in Public Spaces and the Municipal Act.

16. CONTACT

- 16.1 For more information related to video surveillance systems, contact Manager, Council & Legislative Services/Clerk.