

Policy No.: LS.05

Section: Your Government and People

Policy Title: Video Surveillance Policy

Adopted Date:

By-law No.:

Revision Date:

1. Purpose

The Municipality of Kincardine is committed to balancing the safety and security benefits derived from the use of video surveillance systems with an individual's right to be free from invasion of privacy.

The Municipality utilizes video surveillance cameras as one tool in its overall safety and security strategy. Video surveillance will only be used where other measures designed to enhance security and safety are not feasible.

The Video Surveillance Policy provides the framework for the use of video surveillance at Municipally owned and leased properties in accordance with the privacy provisions of the *Municipal Freedom and Protection of Privacy Act (MFIPPA)* and the Information and Privacy Commissioners (IPC) of Ontario's Guidelines for the Use of Video Surveillance. Specifically, this policy addresses requirements and responsibilities with respect to the installation of video surveillance equipment and the collection, use, retention, and disclosure of video-recorded personal information.

2. Scope

This policy applies to:

- a) all Municipality of Kincardine employees, including full-time, part-time, casual, contract, intern, co-op placement and volunteer individuals;
- b) contractors and service providers and their employees who may work with or operate video surveillance equipment for the Municipality; and
- c) all video surveillance equipment in the care and control of the Municipality that is in or at Municipal owned or leased properties and facilities.

This policy does not apply to:

- a) video or audio recordings of council or committee meetings;
- b) webcams installed to allow streaming of live feed images to the public for viewing real time of popular areas of interest in the Municipality, which are approved by the Manager or Director; and
- c) covert surveillance used as an investigation tool for law enforcement purposes or in contemplation of litigation.

3. Definitions

“Authorized user(s)” means the Municipality of Kincardine employees, contractors and agents whose duties require them to operate video surveillance equipment and/or access video surveillance information and records.

“Clerk” means the Manager of Legislative Services/Clerk for the Municipality of Kincardine or their designate.

“Consistent manner” means the use of personal information in a manner that the individual to whom the information relates might reasonably have expected in the circumstances.

“Design” means to plan for the installation of video surveillance equipment; includes equipment and camera locations(s) and positioning.

“Director” means a Director for the Municipality of Kincardine or their designate.

“Facility” means any building, property, or land that is either owned or occupied by the Municipality.

“IPC” means the Information and Privacy Commissioner of Ontario

“Manager” means a Manager for the Municipality of Kincardine or their designate.

“Municipality” means The Corporation of the Municipality of Kincardine.

“Personal Information” is defined by Section 2(1) of *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 system displays these characteristics of an identifiable individual or the activities in which they are engaged, its contents will be considered “personal information” under *MFIPPA*.

“Privacy Breach” means an incident involving unauthorized disclosure of personal information, including it being stolen, lost or accessed by unauthorized persons.

“Privacy Impact Assessment” means an assessment that will help identify the effects of the video surveillance program on individuals’ 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.

“Record” means a record created any time information collected through video surveillance has been preserved electronically or otherwise. It includes video surveillance recordings or images that have been saved to a computer, a USB flash drive or any other device used to store or transfer information or images captured by video surveillance equipment.

“Records Retention By-law” means the Municipality of Kincardine Records Retention By-law.

“Video Surveillance” means a system in which video signals are transmitted from one or more cameras to monitors and recording devices.

“Video Surveillance Equipment” means any physical, mechanical, electronic, digital, or wireless device or apparatus such as cameras, monitors and recording devices used to observe and/or record actions or events in certain areas.

4. Responsibility

Chief Administrative Officer will:

- a) provide oversight and compliance with the policy by all Municipal employees.

Directors and Managers will:

- a) approve installation of video cameras at municipally owned and leased properties;
- b) ensure a public notice for video surveillance is placed at all facilities that have a video surveillance system;
- c) conduct periodic audits to ensure full compliance with this policy, IPC Guidelines and *MFIPPA*;
- d) assist the Clerk as required in the processing of applications for access to information submitted by individuals under *MFIPPA*;
- e) recommend the placement of each security camera based on documented, justifiable grounds for each;
- f) in conjunction with the Clerk, develop and provide training regarding awareness and compliance with *MFIPPA*, including employee responsibilities and how to handle information inquiries;
- g) refer any request for copies of video surveillance records to the Clerk; and
- h) investigate and report any privacy breaches to the Clerk.

Clerk will:

- a) be responsible for the implementation, administration and evaluation of the Policy and associated procedures;
- b) process applications for access to information submitted by individuals under the provisions of *MFIPPA* and/or law enforcement;
- c) respond to requests from the public and employees about the collection, use, and disclosure of personal information captured by a video surveillance system;
- d) respond to appeals and privacy complaints received through the Office of the IPC; and
- e) work with the Manager and Director in the event of a privacy breach, where appropriate.

IT Services will:

- a) consult with the Manager or Director and the Clerk regarding the installation and maintenance of video surveillance cameras;
- b) be responsible for determining the overall video surveillance systems and equipment to be used by the Municipality;
- c) maintain custody of all records created by the video surveillance systems;
- d) be responsible for the purchase and installation of video surveillance systems;
- e) maintain and ensure all aspects of video surveillance systems are functioning properly;
- f) inspect video surveillance systems on a standard schedule and maintain an inspection log; and
- g) assist the Clerk in retrieving required records for requests.

Staff will:

- a) review and comply with this policy and *MFIPPA* in performing their duties and functions related to video surveillance systems;
- b) refer any requests for access to or copies of video surveillance information to the Clerk.
- c) report to their supervisor any suspected privacy breach; and
- d) report to their supervisor any problems with the video surveillance system.

5. Procedure/Policy

5.1 Signage and Notification

A notice of collection will be posted and visible to members of the public, on the following:

- a. the Municipality of Kincardine website, and
- b. at the perimeter of the monitored areas and at key locations within these areas.

The signage will state the following:

- c. the legal authority for the collection;
- d. the principal purpose or purposes for which the personal information is intended to be used; and
- e. the title, business address, and business telephone number of a public official who can answer the individual's questions about the collection.

A sample notice is included as Appendix B. Other formats of signage may be used, where appropriate, provided it includes the required notification requirements.

5.2 Video Surveillance Equipment

Placement of video surveillance equipment will be determined on the basis of reasonable and justifiable grounds for the provision of safety and security.

Placement of video surveillance equipment will be assessed on a case-by-case basis to determine the effects the system may have on personal privacy and how adverse effects can be mitigated.

Video surveillance equipment should be considered as part of other measures of deterrence or detection.

No video surveillance equipment shall be placed so that it views into areas where individuals have a greater expectation of privacy such as washrooms, change rooms and private property.

Video surveillance system design should minimize privacy intrusion.

Video surveillance equipment will be used passively for surveillance purposes (meaning the equipment will not be panned or zoomed remotely) to prohibit the viewing of locations not intended to be monitored.

A Privacy Impact Assessment will be conducted when there are significant changes made to the video surveillance program, using the IPC's *Planning for Success: Privacy Impact Assessment Guide* or other appropriate resources.

When new video surveillance equipment is being located in open public spaces such as streets or parks, and where it is feasible to do so, the Municipality will consult with relevant stakeholders and the public regarding the program's necessity and impact. Public Consultation will

- a. be completed by a notice at the site with an opportunity for public feedback.
- b. not be required at locations where there may be a high risk to staff or the public.

5.3 Use of video surveillance records

The information collected through video surveillance is used only for the following purposes:

- a. enhancing the safety and security of employees, the public and corporate assets;
- b. preventing unauthorized activities upon or involving municipal facilities;
- c. assisting in investigating unlawful activity;
- d. investigating an incident involving the safety or security of people facilities or assets;

- e. providing evidence as required to protect the Municipality's legal rights;
- f. investigating an incident or allegation of serious employee misconduct;
- g. managing corporate risk;
- h. investigating an incident involving a potential or active insurable claim; or
- i. a consistent purpose.

5.4 Operation of Video Surveillance Systems

Video surveillance systems shall be operated by Authorized Users only.

Sound/audio shall only be included in video surveillance records where it is pertinent to the purpose for creating the record.

Live viewing shall be restricted to time periods and locations where there is a demonstrably higher likelihood of safety and security concerns involving employees, the public or corporate assets or the commission of unauthorized activity in the area under surveillance.

Live viewing monitors shall be located in areas not accessible by the public and will be turned off when not in use.

Video surveillance footage will not be used to monitor the public's general use of facilities. Circumstances which warrant review will be limited to security incidents that have been reported to the Municipality, or in the investigation of an incident or potential crime.

Video surveillance logs will be kept for all instances of access to and use of recorded material to enable a proper audit trail.

The Municipality will take all reasonable steps to ensure the security of records in its custody and ensure their safe and secure disposal.

Disposal methods may include but are not limited to overwriting electronic records, shredding, burning, or magnetically erasing the record, in accordance with the Records Retention By-law.

Access to video surveillance systems will be restricted through a confidential password that will be distributed to Authorized Users only.

5.5 Custody

It Services shall maintain custody of all records created by the video surveillance systems.

Records will be retained and destroyed per the Records Retention By-law.

All records and logs shall be stored in a secure place to avoid tampering and ensure confidentiality.

Video surveillance systems will be set up to ensure records are cleared or overwritten on a regular basis per the Records Retention By-law.

Records of an incident may be stored longer when it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes.

If personal information on a record is used for law enforcement purposes or public safety purposes, the record shall be retained by the Municipality for one year after its use.

5.6 Access

The Clerk will have the authority to review records and authorize the release of records from the system for investigation or other purposes.

The Clerk may designate other staff to have the authority to review records and authorize the release of images from the system for investigation or other purposes.

5.7 Requests for disclosure

The Municipality does not disclose a record to any individual or organization except as permitted through *MFIPPA*. The request must come to the Clerk and may come in the following methods:

- a. **Public requests for disclosure:** The Municipality recognizes that an individual whose personal information has been collected by a video surveillance system has a right to access their personal information under *MFIPPA*. All requests for access will be:
 - i. submitted to the Clerk; and
 - ii. on the Request Form per *MFIPPA*; and
 - iii. include the prescribed fee (\$5.00).

Access to these records may depend on whether there is an unjustified invasion of another individual's privacy and whether any exempt information can be reasonably severed from the record.

- b. **Internal requests for disclosure:** A Director may request a copy of a video record if it is necessary for the performance of their duties in the discharge of the institution's functions.
- c. **Law Enforcement Requests:** The Municipality may disclose a copy of a video recording to a law enforcement agency where there are reasonable grounds to believe that an unlawful activity has occurred and been captured by the video surveillance system in accordance with section 32. (g) of MFIPPA. These requests shall be made in writing using the "Release of record to law enforcement agency" form attached as Appendix A.

When viewing or making a copy of a Record, Authorized Users will include the following in a video surveillance log:

- d. date of request;
- e. identity of the requester and of the recipient (i.e. who is authorized to view the record);
- f. date, time, description of event including camera location;
- g. reason for request;
- h. method of access (view record/receive copy); and
- i. date and by whom the record was viewed/received.

All records authorized for release by the Clerk must be stored on an encrypted device.

Where a police investigation, related to an emergency situation is underway – meaning there is a genuine, immediate risk to health, life or property - access to video surveillance by law enforcement may be approved by the Clerk.

5.8 Unauthorized Disclosure

If any employee has knowledge of an unauthorized disclosure of a record, or any contravention of this policy, the following shall take place:

- a. The employee shall immediately inform the Clerk and their Supervisor who shall inform the Manager and Director.
- b. The employee shall work with the Clerk to take all reasonable actions to recover and limit the record disclosure.
- c. The Clerk shall, subject to compliance with *MFIPPA*, make reasonable efforts to inform the individual(s) whose record(s) was/were disclosed as a result of the breach.

- d. The Manager, Director and the Clerk shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.
- e. The Municipality of Kincardine shall take any unauthorized disclosure of information very seriously. It shall be understood that intentional wrongful disclosure, or disclosure caused by gross negligence, is cause for disciplinary action.

5.9 General

The Clerk is authorized to make such administrative changes to this policy as appropriate to keep the policy current. Any revision to the intent of the policy shall be presented to Council for approval.

The documents attached to this policy as appendices may be updated under the direction of the Clerk.

This policy shall be reviewed by the Clerk and Authorized Users:

- a. once annually to ensure the effectiveness and compliance with legislation and current business practices; or
- b. as required based on legislative changes.

6. Related Policies

- a. Records Retention By-law No. 2019-031 as amended from time to time.
- b. GG.6.20 Acceptable Use of Information Technology

7. Related Documents/Legislation

- a. Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56
- b. Municipal Act, 2001, C.O. 2001. C.5
- c. [IPC Guidelines for Use of Video Surveillance](#)
- d. [Planning for Success: Privacy Impact Assessment Guide](#)

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Appendix A
Release of record to law enforcement agency

This information is being requested under section 32(g) of the Municipal Freedom of Information and Privacy Act which allows for the disclosure of records containing personal information for the purposes of aiding a law enforcement investigation.

Part 1: This section to be completed by the attending Law Enforcement Officer

I, _____ of the _____
Print name of Officer Print name of Police Force

Request a copy of the following record(s):

Date: _____ Time Period: _____ to _____

Municipal Facility: _____

Camera Location: _____

to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. I confirm that the record will be destroyed by the Police Force after its use.

Signature of Officer Badge Identification Number Date (yyyy-mm-dd)

Phone No.: _____ Email Address: _____

Return completed form to the Manager of Legislative Services/Clerk at the Municipality Administration Centre, 1475 Concession 5, RR 5 Kincardine, ON N2Z 2X6. Questions please contact clerk@kincardine.ca or 519-396-3468 ext. 7111

Part 2: This section to be completed by Manager of Legislative Services/Clerk

Records Disclosed: ___yes ___no – if no what is reason _____

Signature of Officer: _____ Date: _____

Signature of Manager of Legislative Services/Clerk Date (yyyy-mm-dd)

Personal information is collected under the authority of the Municipal Act, 2001, S.O. , 2001, c. 25 for the purpose of creating a record relating to the release of video surveillance record to law enforcement agency. Questions about the collection may be addressed to the Clerk of the Municipality of Kincardine, 1475 Concession 5, RR 5, Kincardine, ON N2Z 2X6. Phone: 519-396-3468.

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Appendix A Notice of Collection

ATTENTION



This area may be monitored by Video Surveillance Cameras (CCTV).

The personal information collected by the use of the CCTV is collected under the authority of the *Municipal Act*, 2001. This information is used for the purpose of promoting public safety and reduction of crime at this site.

Questions about the collection of the personal information may be addressed to the Clerk of the Municipality of Kincardine, 1475 Concession 5, R.R. 5 Kincardine, ON N2Z 2X6 Phone: (519) 396-3468.