



## Video Surveillance Policy

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Effective	October 04 2017
Review Date	Not scheduled
Final Approver	Council
Training Course Code	Not applicable
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### 1.0 Purpose

This policy applies to the collection, use, disclosure, and disposal of recorded information collected through video surveillance technology, which is used to enhance the protection and safety of employees and the general public, reduce, deter and investigate incidents of vandalism or criminal activity, and protect property and assets. In this policy, video surveillance includes any associated audio recordings captured as part of the video recording process. Where warranted, the City may use video surveillance systems in and around its facilities, properties and vehicles.

### 2.0 Persons Affected

2.1 This policy applies to all employees, including:

2.2 the CMT;

2.3 the Clerk;

2.4 the Corporate Records and Information Officer; and

2.5 Directors.

### 3.0 Policy Statement

3.1 It is the policy of the City to ensure that:

3.1.1 before video surveillance equipment is installed on a City facility, property or vehicle the use of the video

surveillance system shall be justified on the basis of:

- i. enhancing the protection and safety of employees and the general public;
  - ii. incidents of crime;
  - iii. safety concerns;
  - iv. reducing, deterring, and investigating incidents of vandalism or criminal activity; and
  - v. protecting property and assets.
- 3.1.2 privacy intrusion from video surveillance shall be minimized;
- 3.1.3 agreements between the City and any service providers shall state that the recorded information from the video surveillance system are under the City's custody and control and therefore are subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and other applicable law;
- 3.1.4 the video surveillance equipment shall be installed in such a way that monitors only those spaces that have been identified as requiring surveillance;
- 3.1.5 video surveillance equipment shall be restricted so that it cannot be adjusted or manipulated by anyone to overlook spaces that are not intended to be covered by the video surveillance system;
- 3.1.6 video surveillance equipment shall not monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms);
- 3.1.7 recorded information is accessed only by authorized City employees or authorized service providers;
- 3.1.8 video surveillance Records shall only be used for the purposes of:
- i. detecting, deterring, and investigating unlawful activity, which includes possible contraventions of any federal or provincial law or municipal by-laws;

- ii. investigating and resolving personal injury, damage to assets, and other legal claims; or
  - iii. investigating and resolving public complaints received by the City or matters that may give rise to a customer complaint being received by the City.
- 3.1.9 the monitoring procedures shall be performed based on the following principles:
- i. video surveillance shall be conducted in accordance with all applicable law;
  - ii. video surveillance shall be conducted in a professional, ethical, and legal manner;
  - iii. operators shall be appropriately trained and supervised in the responsible use of the video surveillance equipment;
  - iv. the monitored areas shall have signage advising the public of the monitoring and recording, and the signs shall identify someone who can answer questions about the video surveillance system and include an address and telephone number for contact purposes;
  - v. the video surveillance system shall not monitor individuals in any manner which would constitute a violation under the Ontario Human Rights Code (OHRC); and
  - vi. Records obtained through the video surveillance system shall be released only according to the standards set by MFIPPA and other applicable law. The recordings shall be handled in a manner that provides continued security of the recorded information.
- 3.1.10 benefits of video surveillance to the public shall be weighed against an individual's right to be free of unwarranted intrusion into his or her life;
- 3.1.11 the video surveillance system shall be operated in accordance with the principles of MFIPPA and the collection, use, disclosure, and disposal of related Records shall be handled in accordance with MFIPPA and other applicable law;
- 3.1.12 staff are prohibited from using other methods of surveillance, such as covert surveillance or the

unauthorized monitoring of computer devices;

- 3.1.13 a process is in place to allow the public or employees to make a complaint about the video surveillance system;
- 3.1.14 employees shall be given verbal or written notice of the legal authority and the intended purpose(s) for the collection of their Personal Information;
- 3.1.15 ownership of the video surveillance Records shall remain with the City;
- 3.1.16 any data storage devices that have been retained by the City, shall be destroyed in an appropriate manner once the retention period has lapsed in accordance with MFIPPA and bylaw 2008-182, A By-Law to Adopt the Recorded Information Management Policy and Records Retention Schedule;
- 3.1.17 access to the recorded information is only permitted in accordance with MFIPPA, other applicable law, and this policy;
- 3.1.18 access to the video surveillance Records shall be restricted to those responsible for the administration of the video surveillance system and to:
  - i. City employees who lawfully require access to the Records for the purposes of risk management, investigating complaints from the public, and the processing of personal injury claims and claims to the damage of assets;
  - ii. law enforcement agencies by official request where the Records could assist in an investigation in accordance with MFIPPA or other applicable law; and
  - iii. the people whose images have been recorded and retained who make a request and are granted access to information under MFIPPA or other applicable law.
- 3.1.19 the Corporate Records and Information Officer be contacted when a request for video surveillance Records is received;
- 3.1.20 when responding to incidents where video

surveillance Records have been viewed or disclosed for law enforcement or other purposes, the following information is logged for each incident:

- i. the date of the incident;
  - ii. the time of the incident;
  - iii. the date of the request;
  - iv. the name of the requester; and
  - v. the name of the agency (if applicable).
- 3.1.21 only Personal Information of the person making the request may be released to a requesting member of the public;
- 3.1.22 the Corporate Records and Information Officer be notified as soon as possible if there has been an inadvertent disclosure of Personal Information;
- 3.1.23 the retention period of the video surveillance Records shall be recorded by the Departmental Manager/Director responsible for the video surveillance system; and
- 3.1.24 where applicable and appropriate, this policy will be incorporated into training and orientation programs put on by the City.

## **Employees**

- 3.2 Any employee who breaches this policy may be subject to discipline up to and including dismissal.

## **4.0 Responsibilities**

- 4.1 CMT members members are collectively and individually responsible for approving and directing compliance with this policy.
- 4.2 The Clerk is responsible for resolving any issues or conflicts relating to this policy.
- 4.3 The Corporate Records and Information Officer is responsible for:
- 4.3.1 implementation, administration, and evaluation of this

policy; and

4.3.2 ensuring that information obtained through video surveillance is used exclusively for lawful purposes.

4.4 Directors are who use video surveillance systems for their respective department are responsible for:

4.4.1 ensuring the establishment of Departmental procedures in accordance with this policy;

4.4.2 documenting the reason for implementation of a video surveillance system;

4.4.3 maintaining a record of the locations and assets under video surveillance;

4.4.4 maintaining a record of how long the video surveillance Records are retained;

4.4.5 maintaining a list of personnel who are authorized to access and operate the video surveillance system;

4.4.6 maintaining a record of the times when video surveillance will be in effect;

4.4.7 posting proper signage;

4.4.8 assigning a person responsible for the operation of the video surveillance system in accordance with this policy; and

4.4.9 explaining the need to continue with video surveillance once it has been implemented..

4.5 Employees are responsible for reviewing and complying with this policy, MFIPPA, and other applicable law, when they perform their duties and functions related to the operation of the video surveillance system.

### **Breach of Policy**

4.6 Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

## 5.0 Approval Authority

<b>Role</b>	<b>Position</b>	<b>Date Approved</b>
Subject Matter Expert	Corporate Records and Information Officer	07/27/2017
Legal Review	Senior Legal Counsel	08/24/2017
Final Approval	Council	10/03/2017

## 6.0 Revision History

<b>Effective Date</b>	<b>Revision #</b>	<b>Description of Change</b>

## 7.0 Appendix

Appendix A - [IPC Guidelines for the Use of Video Surveillance](#)

Appendix B - [Locations of Video Surveillance Equipment](#)

## Related Definitions

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City

or Corporation means The Corporation of the City of Kingston.

Clerk

means the person appointed by the City as the Clerk in accordance with section 228(1) of the Municipal Act, 2001.

CMT

means the Corporate Management Team.

MFIPPA

means the Ontario Municipal Freedom of Information and Protection of Privacy Act, 1990 that governs how the City collects, uses, discloses and disposes of information and Records.

OHRC

means the Ontario Human Rights Code, R.S.O. 1990, c. H.19

Personal Information

in accordance with MFIPPA, means recorded information about an identifiable individual, including,

(a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the

individual,

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

(c) any identifying number, symbol or other particular assigned to the individual,

(d) the address, telephone number, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except if they relate to another individual,

(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

(g) the views or opinions of another individual about the individual, and

(h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

#### Record

means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution;