

	<b>THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI</b>	
	<b>Policy Name</b>	Video Surveillance Policy
	<b>Policy Number</b>	
	<b>Department</b>	Human Resources
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**Contents**

Purpose ..... 2

Guiding Principles ..... 2

Definitions ..... 2

Procedures ..... 3

Roles and Responsibilities ..... 4

Location and Use of Surveillance Equipment ..... 4

Access to, and Disclosure of, Recorded Information ..... 5

Public Notification & Access to Information ..... 7

Annual Audit and Evaluation ..... 7

# Video Surveillance Policy

## Purpose

The Municipality of Temagami is committed to public safety, crime prevention, and stewardship of publicly owned assets. Where warranted, Temagami may use video surveillance systems in Temagami-owned or operated buildings and open spaces to deter and detect crime and anti-social behavior such as theft, vandalism, unauthorized dumping and unauthorized entry.

Temagami shall maintain control of and responsibility for its video surveillance system at all times.

## Guiding Principles

When conducting video surveillance of the public, the Municipality of Temagami will:

- Collect data only when authorized by a statute, required by law enforcement, or when necessary to the proper administration of a lawfully authorized activity
- Minimize the amount of data collected;
- Retain data for no longer than required;
- Only use data for the purpose for which it was collected;
- Take all reasonable measures to prevent unauthorized access to collected data and inadvertent destruction of, or damage to, collected data;
- Notify individuals, through the use of signage, when video surveillance is in use;
- Not disclose collected data unless disclosure is:
  - with consent from the individuals whose personal information appears in the images;
  - in response to a Freedom of Information request;
  - or requested by law enforcement to aid an investigation.

## Definitions

**Act(s)** means the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

**Authorized staff** refers to employees of the Municipality of Temagami or to a Municipality of Temagami contractor who is specifically authorized by the Municipality of Temagami to operate the video surveillance system for a particular facility and to perform the duty, responsibility or action described in this policy.

**Disclosure** refers to the release of relevant information. Disclosure includes viewing recordings or recorded images, as well as making copies of recordings or images.

**Freedom of Information Request** is a formal request for access to records made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

**Personal Information** as defined by MFIPPA means recorded information about an identifiable individual including:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, or marital or family status of the individual;
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to the financial transactions in which the individual has been involved;
- Any identifying number, symbol, or other particular assigned to the individual;
- The address, telephone number, fingerprints or blood type of the individual;

- The personal opinions or views of the individual except if they relate to another individual;
- 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;
- The views or opinions of another individual about the individual, and
- 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 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.

**Retention Period** is the period of time during which specific records series must be kept before records in that records series may be disposed of.

**Video Surveillance** means a video, physical or other mechanical, electronic, digital or wireless surveillance system or device that enables continuous or periodic video or image recording, observing or monitoring of information about individuals in open, public spaces. In this policy, the term video surveillance system includes an audio device, thermal imaging technology or any other component associated with capturing the image of an individual.

## Procedures

### Authority

Video security surveillance systems are a resource used by Temagami at selected sites within the management jurisdiction of Municipality of Temagami for the purpose of increasing the safety and security of residents, staff and members of the public, to protect public safety, our corporate assets and property and to detect and deter criminal activity and vandalism.

Municipality of Temagami is authorized to conduct video surveillance under Section 28(2) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or Section 38(2) of the Freedom of Information and Protection of Privacy Act (FIPPA), as applicable. Temagami recognizes that video surveillance technology has the potential for infringing upon an individual's right to privacy and although video surveillance technology may be required for legitimate operational purposes, its use must be in accordance with the provisions of MFIPPA or FIPPA, as applicable, and any other applicable privacy laws.

### Compliance

Municipality of Temagami collection and storage of, and access to, information recorded from video surveillance shall conform to published guidelines and specific direction as may be provided by the Information and Privacy Commissioner of Ontario (IPC) from time to time.

### Public Consultation

Temagami acknowledges the importance of public consultation when new or additional video surveillance systems are considered for Temagami owned buildings and property. The extent of public consultation may vary depending on the extent of public access.

When new or additional video surveillance installations are being considered for open public spaces, Temagami shall consult with relevant stakeholders and the public to determine the

necessity and acceptability.

When new or additional video surveillance systems are being considered for Temagami- owned or operated buildings to which the public are invited, such as a library branch, notice shall be provided at the site with an opportunity for public feedback.

When new or additional systems are contemplated inside Temagami buildings or parking lots where there may be a high risk to staff or clients, consultation shall not be required.

## **Roles and Responsibilities**

### **Temagami Council**

Temagami Council shall be responsible for authorizing the installation of video surveillance systems.

### **Temagami MUNICIPAL CLERK**

Temagami MUNICIPAL CLERK shall be responsible for implementation, administration and evaluation of Temagami's Video Surveillance Policy and Procedures.

The MUNICIPAL CLERK shall also be responsible for ensuring that information obtained through video surveillance is used exclusively for lawful purposes.

The MUNICIPAL CLERK, shall be responsible for granting authorized access to employees or contractors operating on behalf of Municipality of Temagami.

The MUNICIPAL CLERK shall also ensure that video surveillance systems are deployed with proper security measures including strong authentication and access, controls, audit logging, and encryption.

### **Facility Manager**

The Department Head responsible for each Temagami-owned or operated site with a video surveillance system (the "Facility Manager") shall ensure that the site complies with this policy, as well as any site-specific policies that may be required.

### **Authorized Staff**

Staff with authorized access to the monitoring equipment and recorded information shall be trained in its use in accordance with this policy. Authorized staff shall sign a written confidentiality agreement regarding their duties under the Policy and the Acts. Breaches of the policy may result in disciplinary action in accordance with Temagami's Code of Conduct.

## **Location and Use of Surveillance Equipment**

### **Video Surveillance Cameras**

Temagami shall install video surveillance cameras in identified public areas only where video surveillance is a necessary and viable detection or deterrence activity.

Temagami may install visible and/or hidden surveillance cameras, but Temagami shall not install equipment inside areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms).

Where cameras are not visible, Temagami shall ensure that appropriate signs are installed in accordance with this policy.

## **Video Surveillance Equipment**

Temagami shall ensure that video monitors are accessed only by authorized Temagami staff or authorized Contract Service Provider's staff, and are not located in a position that enables public viewing. Temagami shall encourage that monitors are turned off except when needed to ensure the system is operating or to view the video recording devices.

Temagami shall ensure that video recording equipment is located away from the public, in restricted access areas, preferably in locked rooms with keyed access.

All storage devices used in the recycling rotation, awaiting review by police, or in storage post police review shall be stored in a locked cabinet at all sites, with access restricted to authorized staff.

Strong authentication and access controls as well as audit logging will be implemented to prevent unauthorized access to video surveillance equipment.

Where possible, all video surveillance data shall be encrypted whether in storage or in transit.

## **Location Record**

Temagami shall ensure that maps and floor plans are prepared to identify the location of all video surveillance equipment at each of the respective sites. Temagami's Clerk shall have copies of all such maps and plans, and the Facility Manager/Coordinator shall have a copy for their site.

## **Hours of Operation**

The majority of the video surveillance systems shall operate 24 hours per day during the season the facility is open. Personal information shall be accessed only in response to an incident.

## **Retention and Destruction**

Since short retention periods minimize risk of improper use and disclosure, Temagami shall ensure that there is a standard retention period at all sites.

Video recording shall be deleted in rotation in a thirty one (31) day cycle. If the video data has been used or disclosed, it must be retained for a minimum of 1 year.

Temagami will take reasonable measures to protect against inadvertent destruction or damage of surveillance video.

Data storage devices no longer in use, will be securely disposed of in a manner that overwrites data in such a way that it cannot be retrieved. Devices that are no longer functional or that cannot otherwise be securely wiped, will be physically destroyed in a manner that renders the data unrecoverable.

## **Access to, and Disclosure of, Recorded Information**

### **Accessing Recorded Video**

Temagami shall ensure that surveillance video only be viewed by staff on a need-to-know basis, in order to limit the number of people who have access to surveillance video.

Authorized staff shall only view surveillance video for the purpose for which it was collected. For

example, if the purpose of video surveillance is to deter and identify individuals involved in crime or vandalism, authorized staff shall:

- Review surveillance video only if there is reasonable cause to believe that a crime or an act of anti-social behavior has been or is in the process of being committed;
- Only access data related to these specific incidents.

Only staff involved in the investigation of these incidents shall view video surveillance.

### **Disclosure to Law Enforcement Agencies**

Disclosure of video surveillance should be made to a law enforcement agency only upon the presentation by the authorities of a warrant or court order for the same and upon completion of a form setting out the name of the individual(s) who took the storage device, under what legal authority, the date and whether the storage device will be returned or destroyed after its use by the authorities.

Temagami has the discretion to disclose information to a law enforcement agency in Canada without a court order, to aid an investigation.

Temagami may disclose personal information to a law enforcement agency on its initiative, where it has a reasonable basis to believe that an offence has occurred. However, it should disclose only the information that appears to be relevant and necessary for a potential investigation.

If staff has reason to believe that the video contains personal information for law enforcement or public safety purposes, they shall notify the law enforcement agency and immediately contact IT who shall copy the video from the hard drive, to another storage medium and set aside in a clearly marked manner in the locked storage cabinet until retrieved by the law enforcement agency.

### **Disclosure for Health and Safety Reasons**

Temagami may disclose personal information in compelling circumstances affecting the health or safety of an individual. This includes disclosure to a law enforcement agency, whether in response to a request or on Temagami's initiative.

Before disclosing personal information to a law enforcement agency for health or safety reasons, Temagami must be satisfied that:

- There are compelling concerns about an individual's health or safety, having considered:
  - The likelihood of the harm occurring
  - The severity of the harm
    - How soon the harm might occur, and
- The disclosure is reasonably likely to reduce the risk of harm to the individual

Temagami will limit the disclosure to the information relevant to reducing the risk.

If disclosing information under for Health and Safety reasons, Temagami must make reasonable efforts to notify individuals, in writing, that their information was disclosed.

### **Access Log**

Temagami shall provide each site with a video surveillance system with an electronic Access Log file. Access to the Access Log file(s) shall be restricted to authorized personnel only.

The Access Log shall be used to record the date, time, purpose and name of authorized staff

person reviewing video.

When a video is viewed or removed for law enforcement purposes, the log entry shall include the date, time, name and contact information of the law enforcement officer.

The Access Log shall also be used to track requests for personal information including the date, time, name and contact information.

### **Inadvertent Disclosures**

Temagami shall ensure that inadvertent disclosures are addressed in a timely and effective way. Staff shall immediately report the incident to the Facility Manager, who shall immediately notify the Clerk. The Clerk shall attempt to retrieve the personal information that has been inappropriately disclosed, commence an investigation and notify the Information and Privacy Commission.

## **Public Notification & Access to Information**

### **Signage**

Temagami shall ensure that the public is notified about the presence of video surveillance equipment by prominently posting signs at the perimeter of surveillance areas.

Signs shall be of consistent size and format and convey the following information: indicate video surveillance in use; identify legal authority for collection of personal information (section 28 (2) of the Act); and provide title, address and telephone number of contact person who can answer questions about the system. (see appendix attached)

### **Other Promotion**

Temagami shall also ensure that information regarding this policy is readily available at all sites with video surveillance systems and on Temagami's website.

### **Personal Access to Information**

Temagami recognizes that an individual whose personal information has been collected by a video surveillance system has a right to access his or her personal information under the Act. Such requests will be directed in a timely manner to Temagami Clerk.

## **Annual Audit and Evaluation**

Temagami MUNICIPAL CLERK and Clerk shall conduct an annual review of Temagami's Video Surveillance Policy/ System to ensure that:

- Video surveillance continues to be justified and, if so, whether its use can be restricted;
- Reported incidents and police contact are properly recorded in the logbooks;
- Used videos are being properly retained;
- Video is being deleted in accordance with time frames and security measures are being followed; and
- Any formal or informal information requests from public have been tracked.

### **Policy Review**

Temagami shall periodically review the Video Surveillance Policy pending the outcome of the annual audit and evaluation or at any time Temagami is considering changing or adding new video surveillance systems.