

Video Surveillance Policy

Authority	Chief Administrative Officer (CAO)		
Establishing By-law No.	2020-020	Effective Date:	March 25, 2020

1. PURPOSE

Video surveillance, when utilized with other security measures, is an effective means of ensuring the security and safety of the Town of Gananoque 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 Town recognizes that video surveillance technology has a potential for infringing upon an individual's right to privacy. The Town's objective is to balance individuals' right to privacy with the need to enhance the safety of Town employees, clients, visitors and property.

Although a video surveillance system may be required for legitimate operational purposes, it must be used in accordance with the *Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA")*, as well as the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

This Policy establishes guidelines for the use of video surveillance systems within and around Town-owned and leased buildings and properties including the collection, use, disclosure, and disposal of recorded information.

2. SCOPE

This Policy applies to sites within the jurisdiction of the Town of Gananoque.

The use of hidden surveillance systems to capture images of individuals without their knowledge is what is referred to as "covert surveillance". This policy is in place to establish guidelines for video surveillance systems that are not covert in nature.

3. AUTHORITY

The Chief Administrative Officer (CAO) in conjunction with the Town Clerk are responsible for the monitoring and administration of this Policy.

4. POLICY

4.1. Legislated Requirements:

This Policy reflects the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

This Policy is intended to conform with practices outlined by the Information and Privacy Commissioner of Ontario (“IPC”) in their document titled “Guidelines for the Use of Video Surveillance”. The IPC has indicated that an institution may use video surveillance in accordance with Section 28(2) of MFIPPA, as long as it is necessary for the proper administration of a lawfully authorized activity (such as operating a Town owned facility).

4.2. Definitions:

- 4.2.1. **Personal Information** is defined in Section 2 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 surveillance system captures and/or 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.
- 4.2.2. **Receiving 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.
- 4.2.3. **Record**, also defined in Section 2 of MFIPPA, means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a file, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record under the control of the Town of Gananoque.
- 4.2.4. **Service Provider** refers to the Town’s Information Technology service provider.
- 4.2.5. **Storage Device** refers to a videotape, computer disk or drive, CD ROM, DVD, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.
- 4.2.6. **Town** refers to The Corporation of the Town of Gananoque.
- 4.2.7. **Video Surveillance System** refers to a video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing, or monitoring of personal information about individuals. In this policy, the term “video surveillance system” may refer to any component associated with capturing and/or recording the image of an individual.

4.3. Public Consultation

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

When new or additional video surveillance systems are being considered for open public spaces such as streets or parks, the Municipality 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 municipally owned or operated buildings to which the public are invited, such as a library, art gallery, or Town hall, notice shall be provided at the site and on the Town's website with an opportunity for public feedback.

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

Prior to installation of video surveillance equipment, the Town must ensure that any agreements with its Service Providers state that the records dealt with or created while delivering a video surveillance program are under the Town's ownership and are subject to privacy legislation (MFIPPA).

Employees and Service Providers involved with a video surveillance system, through a written agreement, must review and comply with this Policy and the MFIPPA in performing their duties and functions related to the operation of the video surveillance system.

5. PROCEDURE:

5.1. *Privacy Assessment*

Prior to the installation of video surveillance equipment, departments must ensure that the use is justified on the basis of significant safety concerns, or for crime prevention. Effects that the video surveillance system may have on personal privacy must be minimized.

5.2. *Installation and Placement*

Video surveillance equipment shall be installed in strictly controlled access areas that have been identified as requiring video surveillance and should never include areas where the public and employees have a reasonable expectation of privacy such as washrooms and change rooms. Adjustment of monitor position must be restricted to ensure that only designated areas are being monitored.

5.3. *Notification Requirements*

The public must be notified of the existence of video surveillance equipment by clearly written signs prominently displayed at the entrances, exterior walls, and interior of buildings and/or perimeter of the video surveillance areas. Signage must satisfy the notification requirements under section 29(2) of *Municipal Freedom of Information and Protection of Privacy Act* and designed as per Appendix 'A' and contain the following information:

- The legal authority for the collection;
- The principal purpose(s) for which the personal information is intended to be used; and

- The title, business address and business telephone number of someone who can answer questions about the collection.

5.4. Collection and Disposal

Personal Information collected by the Town pursuant to this Policy will be recorded and will only be used for the purposes set out herein, or as may otherwise be permitted or required by law. For example, personal information may be disclosed to the police or other law enforcement agencies in Canada to aid an investigation. In the event of a reported or observed incident, the review of recorded information may be used to assist in the investigation of the incident.

Disclosure of storage devices should be made to authorities only upon the presentation by the authorities of a warrant or court order for the same and upon completion of a form (as set out in Appendix 'B') 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.

Storage devices containing personal information may be shared with third party service providers who have a need to access such information and only upon them entering into an agreement to keep such information confidential and handling the personal Information in accordance with the terms of this Policy and applicable law.

Upon receipt of a request and supply of video surveillance a second copy will be made of the information provided and stored in a secure place by the Freedom of Information Coordinator.

Storage devices (videos) that are not in use must be dated, labelled and stored securely. Access to the storage devices (videos) should only be by authorized personnel. Logs must be kept of all instances of access to, and use of, recorded material. The personal information recorded by video surveillance is subject to the *Municipal Freedom of Information and Protection of Privacy Act*. Circumstances which warrant review of the information are limited to an incident that has been reported or to investigate a potential crime.

5.5. Records Retention

The retention periods for video surveillance images are governed by the receiving equipment, and dependent upon the time of year ranges from seven to thirty days. Requests from law enforcement agencies, a department manager, or MFIPPA request will be for the same duration as FOI request as governed by the Town of Gananoque Records Retention By-law.

5.6. Designated Responsibilities

The Department Manager or designate is responsible for requesting and ensuring that the implementation and administration of any video surveillance

system is in accordance with this procedure and the Video Surveillance Policy. This includes:

- Documenting the reason for implementation of a video surveillance system for each designated area;
- Maintaining a record of the locations of the video surveillance equipment;
- Maintaining a list of personnel who are authorized to access and operate the system(s);
- Maintaining a record of the times when video surveillance will be in effect;
- Posting Notice of Collection(s); and
- Assigning a person responsible for the day to day operation of the system in accordance with the policy, procedures and directions that may be issued.

All requests must be submitted to the Chief Administrative Officer for approval prior to purchasing and installing any video surveillance device.

The service provider shall, in conjunction with Departments, provide leadership, management and control over video surveillance application systems in order to ensure corporate strategies are supported, standardized, consistent and reliability.

The Head for MFIPPA is responsible for administering the requirements of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and maintaining the following:

- A record of the locations of all video surveillance monitors (see Appendix 'C');
- The location of postings of all Notices of Collection (see Appendix 'A');
- A list of personnel who are authorized to access and operate the systems (see Appendix 'C');
- A record of times when the video surveillance will be in effect (see Appendix 'C'); and
- Control over the access and release of personal information recorded by the system (see Appendix 'D'). Maintain a log of all releases to law enforcement or FOI requests.

The video needs assessment will be assessed by the Chief Administrative Officer and Head for MFIPPA to ensure compliance with the principles of *Municipal Freedom of Information and Protection of Privacy Act* and other relevant legislation.

Where the Town has a contract with a service provider, the contract shall provide that failure by the service provider to comply with the policy or the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other relevant legislation is considered a breach of contract leading to penalties up to and including contract termination.

Appendix 'A' – Video Surveillance Policy

Sign Standards

The size of the sign shall fit the individual situation



ATTENTION!

**THIS AREA IS MONITORED BY VIDEO
SURVEILLANCE CAMERAS - BY-LAW 2020-020**

THE CORPORATION OF THE TOWN OF



The information is collected under the legal authority of Section 29(1) (g) of the *Municipal Freedom of Information and Protection of Privacy Act*.

If you have any questions or concerns about this program, please contact the Town Clerk, at Town Hall, 30 King St East, Gananoque, or by phone at 613-382-2149.

Appendix 'B' – Video Surveillance Policy

Storage Device Release Form

Record of Disclosure to Law Enforcement Agency (Please Print Clearly)

Name of Law Enforcement Officer			
Badge Number			
Agency			
Description of Record Being Seized			
Incident #		Date & Time of Incident	

Date Record Seized: _____

By signing below the representative of the law enforcement agency named above certifies that the record(s) seized are required by the named law enforcement agency to aid in investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

After use the record supplied shall be:

Please check which method will be used to dispose of the record

Destroyed Returned

Town Personnel/Service Provider releasing record: _____
 (Please print Name)

Town Personnel/Service Provider Signature: _____

Seizing Officer's Signature: _____

Appendix 'C' – Video Surveillance Policy

List of Video Surveillance Systems

Location	Requested By	Install Date	Area Covered	Recording Time	Receiver Retention	Location Signage Posted	Authorized Access
Gananoque & TLTI Recreation Centre (600 King St. E.)	Manager of Community Services	2020	Exterior of building, lobby, Lou Jeffries Arena, Zamboni Room, Refrigeration Room	Based on Movement	Up to 30 days	Exterior of building, entrance, lobby, arena	CAO, Service Provider, Manager Community Services, Parks & Facilities Superintendent
Marina (125 Bay Rd.)	Manager of Community Services	2014 2020	Reception entrance, Garbage area main dock, boat launch	Based on Movement	Up to 30 days	Garbage area, exterior of main buildings, main dock	CAO, Service Provider, Manager Community Services, Marina & Recreation Coordinator
Town Hall/ Town Park (30 King St. E.)	Manager of Community Services	2020	Exterior of building, Gazebo area, Customer Service Desk	Based on Movement	Up to 30 days	Entrances to building, parking, Gazebo area	CAO, Service Provider, Manager of Community Services, Parks & Facilities Superintendent
Gananoque & Thousand Islands Visitor Centre (10 King St. W.)	Manager of Community Services	2019	Reception area, inside entrances, exterior front of building, west of building accessible entrance & parking area, Susan Push.	Continuous	1 week	Entrances to building, front counter, Susan Push.	CAO, Manager of Community Services, Visitor Centre Coordinator

