THE CORPORATION OF THE TOWN OF WASAGA BEACH

POLICY MANUAL

SECTION NAME: Protection to Persons & Property	**POLICY NUMBER:** 5-5
POLICY: Video Surveillance Policy	**REVIEW DATE:** March 2019
EFFECTIVE DATE: March 2016	**REVISIONS**:
ADOPTED BY BY-LAW: By-Law No. 2016-57	**ADMINISTERED BY:** Chief Information Technology Officer and Town Clerk

PURPOSE

It is the policy of The Corporation of The Town of Wasaga Beach ("Corporation") to utilize video surveillance to ensure the security of individuals, assets and property.

Video security surveillance systems are a resource used by the Town of Wasaga Beach at selected sites within the jurisdiction of the Corporation. 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.

The Town of Wasaga Beach recognizes that video surveillance technology has a high 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 the Municipal Freedom of Information and Protection of Privacy Act (the Act).

This policy will provide guidelines designed to assist Town Departments that have identified an appropriate use for video surveillance technology, to manage records that may be created using this technology in a manner that complies with the Act and record management requirements.

SCOPE

These Guidelines do not apply to covert surveillance used for law enforcement purposes. In

those circumstances, either a statutory authority exists and/or the authority for the surveillance is lawfully obtained through a search warrant.

Covert surveillance is conducted through the use of hidden devices. If covert surveillance is not implemented pursuant to the conditions in the preceding paragraph, extra diligence in considering the use of this technology is required. However, covert surveillance is beyond the scope of this policy.

These Guidelines do not apply to videotaping or audiotaping of Town Council or Committee Meetings. In the event that taping of Council or Committee meetings occurs, disclosure must be made to the participants and attendees.

DEFINITIONS

Personal Information is defined in Section 2 of the Municipal Freedom of Information and Protection of Privacy Act ("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 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 or digital 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.

GUIDELINES

The following guidelines are applicable to all Town Departments:

1) Designated Responsibilities

The Chief Information Technology Officer or designate is responsible for the overall Corporate Video Security Surveillance Program.

The Department Head of each Department is responsible for ensuring the establishment of Departmental procedures of video surveillance equipment, in accordance with this policy. The Department Head or designate is responsible for the life-cycle management of authorized video security surveillance systems [specifications, equipment standards, installation, maintenance, replacement, disposal and related requirements (e.g. signage) including:

a) Documenting the reason for implementation of a video surveillance system at the designated area.
b) Maintaining a record of the locations of the reception equipment.
c) Maintaining a list of personnel who are authorized to access and operate the system(s).
d) Maintaining a record of the times when video surveillance will be in effect.
e) Posting of a NOTICE OF COLLECTION OF PERSONAL INFORMATION (Refer to Section 4).
f) Assigning a person responsible for the day-to-day operation of the system in accordance with the policy, procedures and direction/guidance that may be issued from time-to-time.

Town employees and service providers shall review and comply with the policy and the Act in performing their duties and functions related to the operation of the video surveillance system.

2) Considerations

Prior to installation of video surveillance equipment, the Town Department must consider the following:

a) The use of each video surveillance camera should be justified on the basis of security based on verifiable, specific reports of incidents of crime or significant safety concerns or for crime prevention. Video cameras should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity.

b) An assessment of the effects that the proposed video surveillance system may have on personal privacy should be conducted in an attempt to mitigate any adverse effects. Privacy intrusion should be minimized to that which is absolutely necessary to achieve its required, lawful goals.

c) 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).

d) 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.

3) Installation and Placement

a) Video surveillance equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy such as change rooms, washrooms or other similar areas where personal privacy and/or confidentiality is expected.

b) Equipment should be installed in a strictly controlled access area. Only controlling personnel should have access to the access area and the equipment.

c) Equipment should be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance.

d) Adjustment of the camera position should be restricted, if possible, to ensure only designated areas are being monitored.

e) Video surveillance should be restricted to periods when there is demonstrably a higher likelihood of crime being committed and detected in the area under surveillance. Video surveillance may occur on a continuous basis in areas where deemed necessary.

4) Notification

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.

Signage must satisfy the notification requirements under section 29(2) of the *Act,* which include:

a) informing individuals of the legal authority for the collection of personal information;
b) the principal purpose(s) for which the personal information is intended to be used; and
c) the title, business address and telephone number of someone who can answer questions about the collection;

The following is suggested wording for use in building signage, based on a minimum requirement of the IPC:

"THIS AREA IS MONITORED BY VIDEO SURVEILLANCE CAMERAS. Please direct inquires regarding the collection of personal information to the Town of Wasaga Beach, 30 Lewis Street, (705) 429-3844"

5) Access, Use and Disclosure

Information collected by way of video surveillance systems may only be used for the purposes of the stated rationale and objectives set out to protect public safety or to detect and deter criminal activity and vandalism. Information should not be retained or used for any other purposes.

a) 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.

b) Access to the storage devices is limited to the Chief Information Technology Officer or designate. Logs should be kept of all instances of access to, and use of, recorded material to enable a proper audit trail. The personal information recorded by video surveillance is subject to access and privacy legislation. An individual whose personal information has been collected by a video surveillance system has a right of access under Section 36 of the Municipal Freedom of Information and Protection of Privacy Act. Access will depend upon whether an exemption applies and if exempt information can be reasonably severed from the record.

c) Only the C.A.O., Town Solicitor, Town Prosecutor, Department Head or designate may review the information retrieved by the Chief Information Technology Officer. Circumstances, which would warrant review, will normally be limited to an incident that has been reported/observed or to investigate a potential crime and may involve the appropriate law enforcement personnel.

6) Retention

Unless otherwise established, the retention period for information that has not been viewed for law enforcement or public safety purposes shall be **three (3) 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). The Town may use self-erasing, re-setting systems which are pre-set to a designated time period.

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. However, this information may be retained for a period longer than one year if legal action or prosecution which relies on this evidence is ongoing.

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

DELEGATION AND DISPUTE

The Chief Information Technology Officer and Town Clerk of the Corporation are delegated the responsibilities related to the processing of communications. Any dispute from the public regarding the provisions of this policy, shall be referred to the Chief Information Technology Officer, who in consultation with the Town Clerk and C.A.O. shall make a determination regarding the issue.

POLICY ADMINISTRATION AND REVIEW

This policy shall be administered by the Chief Information Technology Officer and the Town Clerk.

This policy will be reviewed every three (3) years or as required based on revisions to corporate practises or Provincial legislation.