



# Staff Report

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**Report No.:** CPS-32-2017  
**Meeting Date:** June 21, 2017  
**Submitted by:** Stephanie Troyer-Boyd, Clerk  
**Subject:** Video Surveillance Policy

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## **Recommendation:**

THAT the Video Surveillance Policy dated June 2017 be approved.

## **Purpose:**

The purpose of this report is to present a new policy for the use of video surveillance equipment at properties owned by the municipality.

## **Background:**

The Municipality of Middlesex Centre acknowledges the need to strike a balance between the Municipality's responsibility to promote a safe and secure environment and to protect the privacy of individuals and supports the use of video surveillance technology to promote public safety and the security of the Municipality's assets and property in accordance with established standards and procedures.

## **Analysis:**

The policy will ensure that video surveillance technology is used only for safety and security purposes and conducted in a manner that is in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and other relevant legislation. This policy will assist the municipal departments that have identified an appropriate use for video surveillance technology in a manner that complies with MFIPPA, all other relevant legislation and records management requirements.

## **Financial Implications:**

N/A

## **Strategic Plan:**

Customer: Increase Customer Satisfaction  
Customer: Promote Positive Image

Category: Corporate Policy No.: Revisions:		Pages: 4 Effective Date: June 21, 2017 Report No.: CPS-32-2017
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## Video Surveillance

### Purpose:

The purpose of this policy is to ensure that video surveillance technology is used only for safety and security purposes and conducted in a manner that is in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and other relevant legislation. This policy will assist the municipal departments that have identified an appropriate use for video surveillance technology in a manner that complies with MFIPPA, all other relevant legislation and records management requirements.

### Scope:

This policy applies to all employees whose duties include requesting, installing, accessing and monitoring video surveillance equipment and video footage at all municipal facilities and properties but does not apply to videotaping or audio taping of Council meetings.

### Objectives:

The Municipality of Middlesex Centre acknowledges the need to strike a balance between the Municipality's responsibility to promote a safe and secure environment and to protect the privacy of individuals and supports the use of video surveillance technology to promote public safety and the security of the Municipality's assets and property in accordance with established standards and procedures.

### Definitions:

Incident - Incidents may include but are not limited to allegations of inappropriate behaviour which would be in violation of any municipality procedures relating to employee or public conduct.

Personal Information - Defined in Section 2 of MFIPPA, as recorded information about an identifiable individual, which includes, but is not limited to, an individual's image as well as 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 MFIPPA.

Record - 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 - 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.

## **Roles & Responsibilities:**

Department Directors are responsible for ensuring that the implementation and ongoing administration of video surveillance systems are in accordance with the Video Surveillance Policy.

## **Procedure:**

This procedure defines the criteria and process associated with the installation and use of video surveillance equipment to ensure that it is used only to promote safety and security of the Municipality of Middlesex Centre's assets and property in accordance with the provisions of relevant legislation and established policies and procedures.

### Video Surveillance Equipment

1. The department director or designate responsible for a facility or property is responsible for:
  - o Ensuring that the implementation and ongoing administration and maintenance of any video surveillance system is in accordance with the provisions of relevant legislation and established policies and procedures.
  - o Determining and documenting the reason for implementation of a video surveillance system ensuring that the need is justified on the basis of verifiable reports of incidents of crime, significant safety concerns, or for crime prevention;
  - o Determining and documenting the location of equipment, description of viewing area and times when the video surveillance will be in effect ensuring that cameras are not installed in areas where the public and employees have a reasonable expectation of privacy such as washrooms, change rooms and residential areas minimizing the effects that the video surveillance system may have on personal privacy. For instance, cameras should be set up so that they do not capture images of areas beyond the property being surveilled, such as public spaces across the street. Another example would be to adjust any cameras with pan and zoom capabilities to ensure they do not capture anything beyond what is required or authorized. If minimization techniques are not possible and a camera must be set up to potentially capture areas outside the

scope of the program, those portions of the images could be proactively masked by some means even as basic as covering a portion of the lens itself.

- Appointing and designating authority, in writing to those staff authorized to access the video surveillance system and information obtained through video monitoring and ensuring that they do so in accordance with the provisions of relevant legislation and established policies and procedures;
- Determining suitable location(s) for mandatory public notice signage ensuring that the public has reasonable and adequate warning that surveillance is or may be in operation before entering any area that is within the video surveillance viewing area. The information that must be included in public notices, such as the legal authority for the collection, the principal purpose or purposes for which the personal information is to be used, and the title, business address, and business telephone number of a public official who can answer an individual's questions about the collection. Where it may not be reasonably possible to include all of the above information on signage at locations where video surveillance is taking place, individuals should be informed in some manner on where they could locate this information.
- Ensuring erection and maintenance of signage;
- Managing the ongoing operation and maintenance of the video surveillance system;
- Maintaining the department video surveillance inventory; and
- Assess equipment requirements and make necessary arrangements for purchase and installation, ensuring support of standardized, consistent and reliable corporate strategies and that the department video surveillance inventory is updated to reflect any new video surveillance system(s) and/or additions or amendments to any existing video surveillance system(s).

2. The Clerk is responsible for:

- Ensuring that the reasons for the proposed video surveillance equipment/systems are consistent with the Information and Privacy Commissioner's (IPC) guidelines for the use of video surveillance cameras in public places;
- Identifying potential privacy risks; which could include conducting Privacy Impact Assessments ahead of implementation and at any other appropriate time, conducting regular reviews or audits of the program, and responding to and managing privacy breaches.
- Approving all instances of access to information obtained through video monitoring, unless otherwise specified.

3. While the Municipality remains responsible for the collection, use and disclosure of personal information, there may be a contract with a service provider. The contract shall provide that failure by the service provider to comply with relevant legislation and established

policies and procedures is considered a breach of contract leading to penalties up to and including contract termination.

#### Access to Video Surveillance Footage

1. Circumstances which warrant viewing the information obtained through video monitoring are limited to access to municipal facilities, incident and accident reports that occur at recreational facilities and other municipality properties, requests from a law enforcement agency and Municipal Freedom of Information requests.
2. Access to video surveillance systems and information obtained through video monitoring is strictly limited to the department director and staff authorized by the department director or designate responsible for the facility or property where the system is located. The ability to copy recorded surveillance images is limited to designated staff subject to obtaining the required authorization as set out in sections 4 through 6 below.
3. Surveillance images are to be erased by the system after 5 days if they had not been used. Surveillance images that have not been accessed or disclosed will be subject to separate retention period in accordance with the Records Retention Schedule.
4. Requests for copies of recorded surveillance images shall be logged in the Video Surveillance Footage Request system and must include sufficient detail to address the following:
  - Contact Information, department, staff name, phone extension, e-mail address and date of request
  - Date, time, description of event and camera location
  - Circumstance justifying the disclosure
  - Type of Request:
    - Incident or Accident requests
    - Law Enforcement Investigation (including case file number)
    - Municipal Freedom of Information Request
5. Requests for copies of recorded surveillance images are authorized by the Clerk prior to release. In emergency situations where a police investigation is underway, this access may be expedited and access may be granted by department directors and/or authorized staff subject to the provisions of section 6, below.
6. Third party service providers and Law Enforcement officers given authorized disclosure to records created as a result of video surveillance must agree that any records dealt with or created pursuant to the video surveillance program remain under the Municipality of Middlesex Centre's control and are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.