Policy P15-1000-19

Video Surveillance Policy

Department:	Administration	**Policy Number:**	P15-1000-19
Section:	Community Protection Programs	**Effective Date:**	July 9, 2019
Subject:	Video Surveillance	**Revised Date:**	
Authority:	By-Law 2019-XXX		

1. Purpose

The objectives of video surveillance systems are to enhance the safety and security of employees, the public, and corporate assets, to prevent unauthorized activities on or involving Municipal property to reduce risk and exposure to liability.

2. Policy Statement

The Municipality of Brockton ("Brockton") recognizes the delicate balance between an individual's right to be free from invasion of privacy and the need to protect the safety and security of its employees, the public and property. In respecting this balance, Brockton is committed to ensuring and enhancing the safety and security of the public, its employees and property by integrating security best practices with the responsible use of technology. Employees ensure the personal information of persons captured on video surveillance is maintained as private, confidential and secure, except as legally exempted or in situations outlined by this policy.

3. Scope

This policy applies to all Brockton employees, including full-time, part-time, casual, contract, volunteer and co-op placement employees.

Contractors and service providers are afforded the same rights and expectations as employees in this policy, while performing authorized activities for Brockton.

This policy applies to all video surveillance systems located in all Municipal properties and facilities.

This policy does not apply to covert surveillance used as an investigation tool for law enforcement purposes or in conjunction of litigation.

4. Policy Procedures:

4.1 Legislative Requirements

The Municipal collection, 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.

4.2 Security Threat Assessment (Appendix "A")

Before deciding to install video surveillance, the following factors must be considered:

a) The use of video surveillance cameras should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns;
b) A video surveillance system should only be considered after other measures of

deterrence or detection have been considered and rejected as unworkable;

c) An assessment must be conducted on the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated;
d) The proposed design and operation of the video surveillance systems should minimize privacy intrusion.

4.3 Public Consultations

Brockton 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 as noted:

4.3.1 Open Public Spaces

When new or additional video surveillance systems are being considered for open public spaces such as streets or parks, Brockton shall consult with relevant stakeholders and the public to determine the necessity and acceptability.

4.3.2 Municipally-Owned Facilities

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 or arena, notice shall be provided at the site with an opportunity for public feedback.

5. Staff Roles and Responsibilities

5.1 Municipal Clerk

The Municipal Clerk shall be responsible for:

a) Implementation, administration and evaluation of Brockton's Video Surveillance Policy.
b) Storage of recorded information being kept for a specified purpose.
c) Ensuring that information obtained through video surveillance is used exclusively for lawful purposes.
d) Responding to requests for information regarding video surveillance records.
e) Responding to requests for information by the police or other regulatory/legal authority.
f) Making reports to the Information and Privacy Commissioner.
g) Conducting the annual audit and acting upon reported breaches of this policy (if any).

5.2 Chief Administrative Officer

The Chief Administrative Officer shall be responsible for providing oversight and compliance with this policy by all Brockton employees.

6. Contracted Service Providers

6.1 External Service Provider

When the day-to-day operation of a Municipally-owned facility is contracted to an external contractor to provide the contracted service, the provider's responsibility relating to the Video Surveillance Policy shall be referenced in their contractual agreement with the Municipality.

6.2 Contract Staff

Authorized contract staff shall comply with the appropriate staff roles and responsibilities as outlined.

6.3 Compliance

When a contracted service provider fails to comply with this policy or Act, it shall be considered a breach of contract leading to penalties up to and including contract termination.

7. Location and Use of Video Surveillance Equipment

7.1 Video Surveillance Cameras

a) Brockton shall install video surveillance cameras only in identified public areas where video surveillance is considered a necessary and viable detection or deterrence activity.
b) Where the video surveillance cameras are not visible, the Municipality shall ensure that appropriate signs are installed in accordance with this policy.
c) Video surveillance cameras shall not be installed in areas where the public and employees have a higher expectation of privacy such as change rooms or washrooms.

7.2 Use of Video Recording

The information collected through video surveillance is used only for the purposes of:

a) Enhancing the safety and security of employees, the public and corporate assets;
b) Preventing unauthorized activities upon or involving Brockton property;
c) Assisting in investigating unlawful activity;
d) Assessing the effectiveness of safety and security measures;
e) A police, municipal or other government body investigation of an incident involving the safety or security of people, facilities or assets;
f) Providing evidence as required to protect Brockton's legal rights;
g) Investigating an incident or allegation of serious employee misconduct;
h) Investigating an incident involving a potential or active insurable claim against Brockton.

7.3 Normal Retention Period:

Brockton retains custody and control of all original video surveillance records. Video records are subject to the access and privacy requirements of *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O 1990, c. M.56 (the "Act") , which includes but is not limited to the prohibition of all municipal staff from access or use of information from the video surveillance system, its components, files, or database for personal reasons.

Video recordings that have not been requested by the public, used by the Chief Administrative Officer or law enforcement agencies is considered transitory and will be programmed to be erased within fourteen (14) days to allow for routine inspections of the applicable municipal facilities during the year.

If video is proactively pulled in anticipation of a request, the video recording may be stored for up to thirty (30) calendar days. If no request is received within the thirty (30) days then it is manually deleted.

7.4 Video Records Set Aside for Law Enforcement Viewing

a) Brockton shall ensure that video records requiring viewing by law enforcement be set aside in a clearly marked manner in a locked storage unit until retrieved by the law enforcement agency.

7.5 Video Records Used as Evidence

a) Brockton shall ensure that if personal information on video record is used for law enforcement or public safety purposes under the Act, the recorded information shall be

retained for at least one (1) year after its use, which may be extended if the video recording is used as evidence in a legal proceeding.

b) Following investigation and any corresponding legal action, the law enforcement agency shall be encouraged to return the video record to the original site for retention and disposal or confirm in writing the disposition of the video record.
c) If the law enforcement agency does not wish to return the video record, they will be asked to provide written confirmation that they will take full responsibility for the information or that they will destroy the information.
d) If access to a video surveillance record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the Municipality's Law Enforcement Officer Request Form (Appendix "B") and forward this form to the Municipal Clerk.

8. Access to Recorded Information

8.1 Viewing Video Records

Brockton shall ensure that authorized staff (including contracted service providers) shall review surveillance video records only for the purposes outlined in paragraph 7.4 of this policy. For such purposes, only the Chief Administrative Officer or persons delegated by him or her from time to time shall be authorized to review video surveillance records.

Any requests from the general public for access to video recordings created through a video surveillance system will be processed through the freedom of information procedure described in the Act, or directed to a law enforcement agency if appropriate in the circumstances.

8.2 Access for Evidentiary Purpose

a) If Staff have reason to believe that the video record contains personal information for law enforcement or public safety purposes, they shall notify the police and contact the Chief Administrative Officer.
b) The video record shall be clearly saved and marked to indicate its removal and secured in such a way that it cannot be recorded over.
c) It shall remain securely stored until the police arrive to review and/or take custody of the recording.

8.3 Police-Requested Access

Brockton may disclose a copy of the video recording to a law enforcement agency where there are reasonable grounds to believe that an unlawful activity has occurred and been captured by the video surveillance system in accordance with section 32(g) of the Act. Law Enforcement Officers shall be directed to complete the form attached as Appendix "B" attached to this policy which shall be filed by the Municipal Clerk.

9. Public Notification and Access to Information

9.1 Signage

a) Brockton shall ensure that the public is notified about the presence of video surveillance equipment by prominently posting signs at the perimeter of surveillance areas (minimum of two signs).
b) Signs shall be of consistent size and format and convey the following information:
    a) Identify legal authority for collection of personal information (S.28(2) of the Act); and
    b) Provide the title, address and telephone number of contact person who can answer questions about the system

9.2 Other Promotion

Brockton shall also ensure that information regarding this policy and the Video Surveillance Policy is readily available at all sites with video surveillance systems and on Brockton's website www.Brockton.ca if applicable.

10. Annual Audit and Evaluation

The Municipal Clerk shall conduct an annual review of Brockton's video surveillance policy/system to ensure that:

a) Video surveillance continues to be justified; and if so, whether its use should be restricted or modified.
b) Reported incidents and police contact are being properly recorded in the logbooks.
c) Video records are being properly retained and/or destroyed; and
d) Any formal or informal information requests from the public have been tracked.

11. Policy Review

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

12. Appendices

Appendix "A" – Surveillance Video Security Threat Assessment Form
Appendix "B" - Law Enforcement Officer Request Form

Appendix "A"
Surveillance Video Security Threat Assessment Form

To Determine the Requirements for a Video Surveillance System:

Site Name: _____
Location: _____
Proposed Video Location: _____
Requestor: _____
Department: _____
Date: _____

1. Is there already a video surveillance system and/or camera on site? If so, please describe and advise if their set-up adheres to the Municipality of Brockton's Video Surveillance Policy. (Use separate page if required).
   _____
   _____
   _____

2. Video surveillance should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable. Have the following security counter-measures been considered and rejected as unworkable?

Security Counter Measure	Yes	No	Comments
a) Security Procedures	____	____	_____
b) Duress Buttons	____	____	_____
c) Door Locking Hardware	____	____	_____
d) Alarm System	____	____	_____
e) Access Control System	____	____	_____
f) Signage	____	____	_____
g) Security Guard/Officer Patrols	____	____	_____
h) Lighting	____	____	_____
i) Other	____	____	_____

3. The use of each video surveillance camera should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns. Are there any documented incidents of crime or significant safety concerns in any of the following formats?

Documentation Formats	Yes	No	Comments
a) Corporate Security Occurrence Reports	____	____	_____
b) Police Reports	____	____	_____
c) Health and Safety Consultants Report	____	____	_____
d) Health and Safety Committee Minutes	____	____	_____
e) Internal Memos	____	____	_____
f) Other	____	____	_____

4. An assessment should be conducted on the effects that the proposed video surveillance system may have on personal privacy and the ways in which any adverse effects can be mitigated. Have the following effects and mitigation strategies been considered?

Effects and Mitigation Strategies	Yes	No	Comments
a) The location of the proposed camera is situated in an area that will minimize privacy intrusion?	____	____	_____
b) Is the proposed cameral location one where the public and employees do not have a higher expectation of privacy (i.e. not in a washroom or change room, etc)?	____	____	_____
c) Is the location of the proposed video camera visible?	____	____	_____
d) Can the video surveillance be restricted to the recognized problem area?	____	____	_____
e) Is space allocated for proper video surveillance signage?	____	____	_____
f) Has a drawing been attached showing the video location?	____	____	_____
g) Other	____	____	_____

5. The proposed design and operation of the video surveillance systems should minimize privacy intrusion. Have the following design and operation factors been considered for each proposed camera location?

Measures to Mitigate Effects	Yes	No	Comments
a) Can the proposed camera be restricted through hardware or software to ensure that Operators cannot adjust or manipulate cameras to overlook spaces that a threat assessment has not been completed for?	____	____	_____
b) Is the reception equipment going to be located in a strictly controlled access area?	____	____	_____
c) Can the Video Surveillance Monitor be installed in such a way that it will be hidden from public view?	____	____	_____
d) Other	____	____	_____

Comments:_____
_____
_____

Completed By: _____ Signature: _____
Position: _____ Date: _____

Appendix "B"
Law Enforcement Officer Request Form

Release of Record to Law Enforcement Agency

(Under Section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*)

To: Municipality of Brockton

I, _____, of the _____
Print Name of Police Officer Print Name of Police Force

Request a copy of the following record(s):

Date: _____ Time Period: _____ to _____

Municipal Facility: _____

To aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result._____
(Reason)

I confirm that the record will be destroyed after use by the agency.

Signature of Officer: _____ Date: _____

Return completed original forms to the Clerk at the Municipality of Brockton Municipal Office, 100 Scott Street, P.O. Box 68, Walkerton, ON N0G 2V0.

Personal information is collected under the authority of the *Municipal Act, 2001, S.O. 2001, c. 25* for the purpose of creating a record relating to release of video surveillance record to law enforcement agency. Questions about the collection may be addressed to the Clerk of the Municipality of Brockton, 100 Scott Street, P.O. Box 68, Walkerton, ON N0G 2V0
Phone: 519-881-2223 Ext. 124