P O L I C Y

POLICY NO: GG.3.15

SECTION: GENERAL GOVERNMENT - CLERK

TITLE/SUBJECT: SECURITY VIDEO SURVEILLANCE

ADOPTED DATE: December 14, 2016 (Resolution #12/14/16-13)

REVISION DATE:

Policy Statement: The Municipality of Kincardine recognizes the need to balance an individual's right to privacy and the need to ensure the safety and security of the Municipality's employees, clients, visitors and property. While video surveillance cameras are installed for safety and security reasons, the Municipality's video surveillance systems must also be designed to minimize privacy intrusion. Proper video surveillance, where deemed necessary, is one of the most effective means of helping to keep the Municipality's facilities and properties operating in a safe, secure, and privacy protective manner.

Policy Description: This policy has been developed to govern video surveillance at municipally owned and leased properties in accordance with the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act (*the *Act).*

Application: This policy applies to all types of camera surveillance systems, surveillance monitors and camera recording devices used for security purposes at municipally owned and leased properties. This policy does not apply to video surveillance used for employment related or labour-related information nor to the videotaping, audiotaping and broadcast of Council or Committee Meetings. In the event that taping of Council or Committee meetings occurs, disclosure must be made to the participants and attendees through signs being posted.

Roles & Responsibilities:

The Chief Administrative Officer is responsible for:

- the Video Surveillance Policy and ensuring municipal-wide compliance with it;
- approval of installation of video cameras at municipally owned and leased properties based on Security Threat Assessment for the specific facility.

The Clerk is responsible for:

- implementation, administration and evaluation of the Policy and associated procedures;
- yearly evaluations of video surveillance system installations to ensure compliance with the Policy;

- review of the Policy every 2 (two) years, or as required, and forwarding recommendations for changes, if any, to Council for approval;
- disclosure of information from the video surveillance system as Head for the Municipality under the *Act;*
- ensuring that information obtained through video surveillance is used exclusively for lawful purpose.

The Senior Manager is responsible for:

- any site under their responsibility with a video surveillance system;
- ensuring that the site complies with this policy, plus any site specific procedures that may be required;
- ensuring that staff with authorized access to monitoring equipment and recorded information is trained in its use in accordance with the Policy;
- conducting Security Threat Assessment to determine the requirement for a video surveillance system;
- completion of Privacy Impact Assessment as required.

Operators are responsible for:

- overseeing day-to-day operations of the video surveillance system at their site location;
- ensuring monitoring and recording devices are stored in a safe and secure location;
- ensuring all aspects of the video surveillance system are functioning properly;
- ensuring logbooks, recording all activities related to video devices and records, are kept and maintained;
- documenting all information regarding the use, maintenance, and storage of records in the applicable logbook, including all instances of access to, and use of, recorded material to enable a proper audit trail;
- ensuring that no personal information is disclosed without the approval of the Clerk;
- ensuring that no copies of data/images in any format (hardcopy, electronic, etc.) is taken from the video surveillance system without approval from the Clerk;
- forwarding all requests for access to video records to the Clerk.

All municipal staff shall:

- adhere to the Video Surveillance Policy and not access or use information contained in the video surveillance system, its components, files or database for personal reasons, nor dispose, destroy, erase or alter any record without proper authorization and without following the Policy.

Security Threat Assessment (Schedule 1)

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

- the use of video surveillance cameras should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns;
- a video surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable;
- 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;
- the proposed design and operation of the video surveillance systems should minimize privacy intrusion.

Public Consultation

The Municipality 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 installations 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 municipal office, notice shall be provided at the site 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.

Designing and Installing Video Surveillance Equipment

Video surveillance currently recorded by the Municipality is stored directly to hard drives. Other methods of recording/storage are acceptable provided requirements of this policy are met.

When designing a video surveillance system and installing equipment, the following must be considered:

- Given the open and public nature of the Municipality's facilities and the need to provide for the safety and security of employees and clients who may be present at all hours of the day, the video surveillance systems may operate at any time in a 24 hour period.
- The video equipment should be installed to only monitor those spaces that have been identified as requiring video surveillance.
- Operators' ability to adjust cameras should be restricted, if possible, so that they cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the video surveillance program.
- Visible and/or hidden surveillance cameras may be installed, however, equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy (i.e. change rooms and washrooms).

- Where possible, video surveillance should be restricted to periods when there is a demonstrably higher likelihood of crime being committed and detected in the area under surveillance.
- Reception/recording equipment must be located in a strictly controlled access area. Only authorized staff, or those accompanied by authorized staff, shall have access to the controlled access area and the reception/recording equipment.
- Every reasonable attempt should be made to ensure video monitors are not in a position that enables the public and/or unauthorized staff to view the monitors and monitors should be turned off except when needed to ensure system is operating or to view the video recording.

The Municipality shall ensure that maps and floor plans are prepared to identify the location of all video surveillance equipment at each of the respective sites. The Clerk shall have copies of all such maps and plans, and each Senior Manager shall have a copy for any site for which they are responsible.

Audit

An audit shall be completed annually to ensure the roles, responsibilities and practices comply with this Policy and to ensure that:

i. Video surveillance continues to be justified and, if so, whether its use can be restricted;
ii. Logbooks, recording all activities related to video devices and records, are being kept and maintained, including proper recording of all reported incidents and police contact;
iii. Video records are being properly retained;
iv. Video is being deleted in accordance with time frames and security measures are being followed; and
v. Any formal or informal information requests from public have been tracked.

The results of the audit will be publicly available.

Privacy Impact Assessment

The Municipality will conduct a Privacy Impact Assessment when there are significant changes made to the video surveillance program, using the Information & Privacy Commissioner's *Planning for Success: Privacy Impact Assessment Guide* or other appropriate resources. The Privacy Impact Assessment is a risk management tool that helps to identify the effects of a given program or other activity on an individuals' privacy, and the safeguards or strategies that may be employed to eliminate the adverse outcomes of those effects or reduce them to an acceptable level.

Notice of Use of Video Surveillance Systems

In order to provide notice to individuals that video is in use:

- The Municipality shall post signs, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the grounds under video surveillance.

- The notification requirements of this sign must inform individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used; and the title, business address, and telephone number of the individual who can answer questions about the collection.
- A sample notice is included as Schedule 2. Other formats of signage may be used, where appropriate, provided it includes the required notification requirements.
- Notice may also be provided via the Municipality of Kincardine website.

Personal Access to Information Request Process
The Municipality 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*.

All inquiries related to or requests for video surveillance records shall be directed to the Clerk. A person requesting access to a record should submit the prescribed "Request Form under the *Municipal Freedom of Information and Protection of Privacy Act*" along with the prescribed fee. Processing of the request will be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

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 (Schedule 3) and forward this form to the Clerk.

Custody, Control, Retention and Disposal of Video Records/Recordings
The Municipality of Kincardine retains custody and control of all original video surveillance records. Video records are subject to the access and privacy requirements of 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.

Since short retention periods minimize risk of improper use and disclosure, the Municipality shall ensure that there is a standard retention period for video surveillance records at all sites. The retention period shall be established in the Municipality's Retention By-law.

A record of an incident will only be stored longer where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes. Video requiring viewing by law enforcement shall be copied from the hard drive and set aside in a clearly marked manner in a locked area until retrieved by the law enforcement agency. If personal information on video is used for law enforcement or public safety purposes, the recorded information shall be retained for one year after its use. Following investigation and any corresponding legal action, the law enforcement agency shall be required to destroy the video. If staff have reason to believe that the video contains personal information for law enforcement or public safety purposes, they shall notify the

police and immediately make a copy from the hard drive. Copies made from the hard drive should be secured in such a way that they cannot be recorded over.

The Municipality will take all reasonable efforts to ensure the security of records in its control/custody and ensure their safe and secure disposal. Disposal methods will depend on the type of storage device.

Protocol for dealing with unauthorized access and/or disclosure (Privacy Breach) is set out in municipal policy Privacy Protocol: Guidelines for Managing a Privacy Breach.

Other Promotion
The Municipality shall also ensure that information regarding this policy and the Municipality's Video Surveillance Systems is readily available at all sites with video surveillance systems and on the Municipality's website.

Schedule 1 - Surveillance Video Security Threat Assessment

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 Kincardine's Security 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) H&S Consultants Report	___	___	_____
d) H&S 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 & 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 (Print)	Signature	Date	Position/Title

Schedule 2 - Notice of Collection

ATTENTION

This area may be monitored by Video Surveillance Cameras (CCTV).

The personal information collected by the use of the CCTV is collected under the authority of the *Municipal Act,* 2001. This information is used for the purpose of promoting public safety and reduction of crime at this site.

Questions about the collection of the personal information may be addressed to the Clerk of the Municipality of Kincardine, 1475 Concession 5, R.R. 5 Kincardine, ON N2Z 2X6 Phone: (519) 396-3468.

Schedule 3 - 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 Kincardine

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: _____
(Davidson Centre, Municipal Administration Centre,
Waste Management Centre, Water Treatment Plant)

to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

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

_____ _____ _____
Signature of Officer Date

Return completed original forms to the Clerk at the Municipality of Kincardine Municipal Administration Centre, 1475 Concession 5, RR 5 Kincardine, ON N2Z 2X6.

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 Kincardine, 1475 Concession 5, R.R. 5 Kincardine, ON N2Z 2X6 Phone: (519) 396-3468.