

Subject: Video Surveillance Policy	Effective Date: June 27, 2023
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Video Surveillance Policy

Purpose:

To establish a procedure for the use of video surveillance on any property and/or in any facility owned and/or operated by the Township of Selwyn to address public safety, crime prevention and stewardship of Township-owned assets.

Scope:

This policy applies to all video surveillance systems owned and installed by the Township in or around any Township of Selwyn facilities and properties. Specifically, this policy addresses requirements and responsibilities with respect to:

- The operation of video surveillance systems
- The use of the information obtained through video surveillance systems; and
- The custody, control, access to and retention of records created through video surveillance systems

All staff and contract service providers shall be responsible for ensuring that information obtained through video surveillance is used exclusively for lawful purposes and in accordance with MFIPPA.

Applicable Legislation:

The Township of Selwyn shall use video surveillance systems in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as amended.

Procedures:

1. Compliance

The Township's collection and 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.

2. Staff Roles & Responsibilities

2.1 Manager(s)

The Township Manager(s) responsible for each Township-owned or operated site with a video surveillance system are responsible for the implementation and administration of the Township's video surveillance policy and procedures.

Managers are responsible for:

- Identifying the need for video surveillance at a Township-owned facility and determining whether video surveillance is a viable method for detection and/or deterrence.
- Identifying the type of video surveillance equipment required.
- Ensuring that public consultation and/or notice is provided in accordance with the Township's video surveillance policy.
- Ensuring that the site operations and staff including contract service providers, comply with this policy, as well as any site-specific policies that may be required.
- Ensuring that any staff or contract service providers with authorized access to the monitoring equipment and recorded information shall be trained in its use in accordance with this policy.

2.2 General Staff

Authorized staff with access to the monitoring equipment and recorded information shall have regard for the Acts and the Township's Organizational Policy Section 2.1 Code of Ethics Sec. 7 Confidential Information. Breaches of the policy may result in disciplinary action in accordance with the Township's Progressive Discipline Policy.

3. Contracted Service Providers

3.1 Agreements

When the day-to-day operation of a Township-owned facility is contracted to an external service provider, the contracted service provider's responsibilities relating to the video surveillance policy shall be referenced in their contractual agreement with the Township.

3.2 Contracted Service Providers

Authorized contracted service providers shall comply with the appropriate staff roles and responsibilities, as outlined in their agreement(s) and in accordance with this policy.

3.3 Compliance

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

4. Location, Public Consultation, Public Notice and Use of Video Surveillance Equipment

4.1 Video Surveillance Cameras

The Township may install video surveillance cameras in identified public areas only where video surveillance is viable method for detection or deterrence.

The Township shall not install equipment inside areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms).

Where cameras are not visible, the Township shall ensure that appropriate signs are installed in accordance with this policy.

4.2 Public Consultation

Open Public Spaces

When new or additional video surveillance installations are being considered for open public spaces such as streets or parks, the Township will consult with relevant stakeholders and the public in order to obtain feedback on the proposed installation. Consultation may consist in various forms including but not limited to: public meetings, notice on the Township website and/or social media platforms, online surveys etc...

4.3 Public Notice

Indoor Municipal Facilities Accessible by Patrons and High-Risk Municipal Spaces

When new or additional video surveillance systems are being considered for Township-owned or operated facilities to which the public are invited, such as a library, arena, or municipal office, consultation shall not be required however, public notice shall be posted at the site.

Additionally, for municipal administrative facilities or staff parking lots where there may be a high risk to staff or clients, consultation shall not be required however, public notice shall be posted at the site.

4.4 Video Monitors & Reception Equipment

The Township shall ensure that video monitors are accessed only by authorized staff or authorized contract service providers and are not located in a position that enables public viewing. Monitors will be turned off when not needed.

The Township shall ensure that video reception equipment is located away from the public, in restricted access areas, preferably in locked rooms with keyed access.

Live viewing is restricted to time periods when there is a demonstrably higher likelihood of safety and security concerns involving employees, the

public or corporate assets, or the commission of unauthorized activity in the area under surveillance.

4.5 Video Records

The Township shall ensure that the video records (i.e. digital files) used to operate the video surveillance systems are securely stored to ensure that access is limited to authorized personnel only.

All video records used in the rotation, awaiting review by police, or in storage post police review shall be securely stored and password-protected, with access restricted to authorized staff or contract service providers.

4.6 Location Record

The Township shall ensure that maps and floor plans are prepared to identify the location of all video surveillance equipment at each of the respective sites. Copies of all such maps and plans will be available to staff and contract service providers at each facility site. Managers shall also have a copy of the location records.

4.7 Hours of Operation

The majority of the video surveillance systems are motion sensor and can be activated 24 hours per day, and personal information shall be accessed only in response to an incident.

5. Video Recordings

5.1 Normal Retention Period

Video that has not been requested by the public, Township employees or law enforcement agencies is considered transitory and is automatically erased by being overwritten when the capacity of the digital storage has been reached.

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

5.2 Recordings Set Aside for Law Enforcement Viewing

The Township shall ensure that video recordings requiring viewing by law enforcement be removed from the rotational cycle and set aside in a password-protected file and clearly marked until retrieved by the law enforcement agency.

5.3 Recordings Used as Evidence

The Township shall ensure that if personal information on a video recording is used for law enforcement or public safety purposes under the Act, the recorded information shall be retained for one year after its use. Following an investigation and any corresponding legal action, the law enforcement agency shall be encouraged to return the video recording to the Township for retention and disposal.

5.4 Old or Damaged Video Recordings/Equipment

The Township shall ensure that old or damaged video recordings are securely disposed of (by shredding, burning, or magnetically erasing) so that personal information cannot be reconstructed or retrieved.

Digital recording equipment may only be destroyed when replaced by a new piece of equipment or when it is not repairable. It may only be destroyed by an authorized person and it is destroyed in a manner that ensures that it can no longer be used by any person and that the information recorded cannot be reconstructed or retrieved by any person.

6. Access to Recorded Information

The Township of Selwyn does not disclose a video record to any individual or organization except as permitted through MFIPPA.

6.1 Viewing Video Recordings

The Township shall ensure that authorized staff (including contracted service providers) shall review surveillance video recordings only if they have reasonable cause to believe that a crime or prohibited behaviour has been or is in the process of being committed.

6.2 Access for Evidentiary Purpose

If staff or contract service providers have reason to believe that the video recording contains personal information for law enforcement or public safety purposes, they shall notify the police and immediately remove the video recording/tape from the rotational cycle. The removed recording shall be clearly marked to indicate its removal and secured in such a way that it cannot be recorded over. It shall remain stored in the locked cabinet until the police arrive to review and/or take custody of the recording.

6.3 Police Request Access

The Township shall ensure that if the police request access to and use of the recorded surveillance information that staff or contract service providers will allow the video recording(s) to be viewed, accessed or removed, in accordance with applicable law.

6.4 Access Log

The Township shall provide each site with a video surveillance system with an access log book. The access log shall have access restricted to authorized personnel only. The access log shall be used to record: the date, time, purpose, and name of authorized staff person or contract service provider reviewing video recording(s). When a video recording(s) is viewed or removed for law enforcement purposes, the log entry shall include: the date, time, name and contact information of the law enforcement officer. The access log shall also be used to track requests for personal information including: the date, time, name and contact information.

6.5 Inadvertent Disclosures

The Township shall ensure that inadvertent disclosures are addressed in a timely and effective way. Staff, including contract service providers, shall immediately report the incident to the Clerk and their Manager; attempt to retrieve the personal information that has been inappropriately disclosed and commence an investigation. The Clerk will notify the Information and Privacy Commission.

7. Public Notification & Access to Information

7.1 Signage

The Township shall ensure that the public is notified about the presence of video surveillance equipment by prominently posting signs at highly visible locations within the perimeter of surveillance areas (minimum of two signs).

Signs shall be of consistent size and format and convey the following information: indicate video surveillance in use; identify the legal authority for the collection of personal information (MFIPPA - Section 28 (2) of the Act); and provide the municipal department title, address and telephone number of the department to contact regarding questions about the system.

7.2 Personal Access to Information

The Township 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. Such requests will be directed in a timely manner to the Township Clerk.

8. Audit & Evaluation

The Township may conduct a review of the Township's Video Surveillance Policy/System from time-to-time to ensure that:

- i) Video surveillance continues to be justified and, if so, whether its use can be restricted;

- ii) Reported incidents and police contact are properly recorded in the logbooks;
- iii) Stored video recordings are being properly retained; and
- iv) Any formal or informal information requests from public have been tracked.

9. Policy Review

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

Related Documents:

- Township Organizational Policy – Policy 2.1 – Code of Ethics
- Township Organizational Policy – Policy 2.3 – Technology Use
- Township Organizational Policy – Policy 5.2 – Progressive Discipline
- Video Surveillance Request Form
- Video Surveillance Access Log