

**SECTION:** Administration**POLICY #:** ADM- 020**Date Approved:** July 13, 2020**Video Surveillance****Revision Date:****Review Date:****Authority:**

## 1. PURPOSE

The objective of video surveillance systems on municipal property is to enhance the safety and security of employees, the public and corporate assets, prevent unauthorized activities on or involving Municipal property, to aid in risk management and reduce exposure to liability.

## 2. POLICY STATEMENT

The Town of Hanover recognizes the balance between an individual's right to privacy and the need to protect the safety and security of its employees, the public and property. In respecting this balance, the Town is committed to integrating security best practices with the responsible use of technology. The Town of Hanover ensures information captured on video surveillance is maintained as private, confidential and secure, except as legally exempted or in situations outlined in this policy.

## 3. SCOPE

This policy applies to all Town of Hanover 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 the Town of Hanover.

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 with litigation.

This policy does not apply to videotaping , audiotaping or livestreaming of Council or Committee meetings. In the event taping or livestreaming of Council and/or Committee meetings occurs, disclosure must be made to the participants and attendees.

## 4. LEGISLATED REQUIREMENTS

This policy reflects the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended (MFIPPA).

The Municipal collection, storage of, and access to information recorded from video surveillance shall conform to published guidelines and practices as may be provided by the Information and Privacy Commissioner of Ontario (IPC) from time to time.

## 5. DEFINITIONS

**Municipal Facilities** means any building or land that is either owned or occupied by the Town of Hanover and includes land or facilities leased by the Town.

**Municipal Freedom of Information and Protection of Privacy Act (the Act)(MFIPPA)** means legislation that governs access to and the privacy of municipal records.

**Personal Information** is defined in the *Municipal Freedom of Information and Protection of Privacy Act (the 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*.

**Privacy Breach** means an incident involving unauthorized disclosure of personal information, including it being stolen, lost or accessed by unauthorized persons.

**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.

**Record** means any unit of information, however recorded, whether in printed form, on film, by electronic means or otherwise and includes correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, sound recordings, videotapes, machine readable records, an e-mail and any other documentary material regardless of physical form or characteristics, made or received in the course of the conduct of Town of Hanover business.

**Retention Period** is the period of time during which a specific record or record series must be kept before the record may be disposed of.

**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.

**Video Surveillance System** refers to any system or device that enables continuous or periodic recording, observing or monitoring of facilities and/or individuals.

## **6. RESPONSIBILITY**

### **CAO/Clerk**

The CAO/Clerk or designate, is responsible for the overall Corporate Video Security Surveillance Program including:

- a) Oversight and compliance with this policy by all Town of Hanover employees.
- b) Implementation, administration and evaluation of the Video Security Surveillance Policy.
- c) Maintaining a list of records accessed and retained by the Town.
- d) Ensuring that information obtained through video surveillance is used exclusively for lawful purposes.
- e) Responding to all requests for disclosure under the MFIPPA.
- f) Responding to requests from the public regarding the collection, use and disclosure of personal information captured by the video surveillance system.
- g) Making reports to the Information and Privacy Commissioner.
- h) Conducting the annual audit and acting upon reported breaches of this policy (if any).

## **Department Head**

Each department head is responsible for:

- a) Ensuring compliance with the established policy and/or any procedures for video surveillance equipment and access thereto.
- b) Administering and communicating this policy to all employees within their department.
- c) The day-to-day operation of the system in accordance with the policy, procedures and direction/guidance that may be used from time-to-time. A department head may delegate this responsibility.
- d) Maintaining a record of video camera and reception equipment locations.
- e) Maintaining a list of personnel who are authorized to access and operate the system(s).
- f) Storage of recorded information being kept for a specified purpose.
- g) Providing written notice to the CAO/Clerk of access and retention of a record.
- h) Responding to requests for information by the police or other regulatory/legal authority.
- i) Ensuring appropriate signage is posted notifying the public of the video security system, in accordance with the specifications outlined in this policy.

## **Employees**

Each employee is responsible for:

- a) Reviewing and complying with this policy and MFIPPA in the performance of their duties.
- b) Reporting to their department head or supervisor any problem with the video recording system, as applicable.
- c) Referring to their manager or supervisor any requests for access to records.
- d) Reporting to their manager or supervisor any suspected privacy breach.

## **Contract Staff**

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

## **7. CONSIDERATIONS**

The use of a video surveillance system to enhance safety and security shall be determined on the basis of reasonable and justifiable grounds.

Prior to the installation of video surveillance equipment, the following 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 or for crime prevention.
- b) An assessment of the effects the proposed video surveillance system may have on personal privacy should be conducted in an effort to mitigate any adverse impact. Privacy intrusion should be minimized to that which is absolutely necessary to achieve required, lawful goals.
- c) The extent and mechanism for public consultation when new or additional video surveillance systems are considered by the municipality.
- d) A requirement that any agreements between the Town and service providers state that the records dealt with or created while delivering a video surveillance system are under the Town's custody and control and subject to the Act.
- e) A requirement that employees and service providers review and comply with the policy and MFIPPA in performing their duties and functions related to the operation of the video surveillance system.

## 8. INSTALLATION AND PLACEMENT

- a) Video surveillance cameras shall not be installed in areas where the public and employees have a higher expectation of privacy such as washrooms and change rooms.
- b) Equipment shall be only be installed to monitor those areas that have been identified as requiring video surveillance.
- c) Any adjustment of the camera position is restricted to ensure only designated areas are being monitored.
- d) The physical hardware of each video surveillance system is to be located in a controlled access area.

## 9. USE OF INFORMATION

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 Town of Hanover property.
- c) Assisting in investigating unlawful activity.
- d) Assessing the effectiveness of safety and security measures.
- e) Police, municipal or other government body investigation of an incident involving the safety or security of people, facilities or asset.
- f) Providing evidence as required to protect the legal rights of the Town of Hanover.
- g) Investigating an incident or allegation of serious employee misconduct.
- h) Investigating an incident involving a potential or active insurable claim against the Town of Hanover.

## 10. ACCESS TO RECORDED INFORMATION

### 10.1 Viewing Video Records

- a) Access to video surveillance records is restricted to:
  - i. Town of Hanover personnel responsible for the operation and administration of the system.
  - ii. An agency or individual who has a legitimate need to access the information for one of the purposes outlined in Section 9 – Use of Information.
  - iii. Individuals whose request for access under *The Municipal Freedom of Information and Protection of Privacy Act*, as amended, has been granted.
- b) A log shall be kept by the office of the CAO/Clerk of all instances of access to, and use of, recorded material to enable a proper audit trail. This record shall include:
  - i. The date and time of access or date disclosure was made.
  - ii. The identification of the party who was allowed to access or to whom disclosure was made.
  - iii. The reason for allowing access or disclosure.
  - iv. The extent of the information to which access was allowed or disclosed.
  - v. Provisions for the return of the record and/or its destruction.
- c) Circumstances, which would warrant a review, will normally be limited to an incident that has been reported/observed or to investigate a potential crime.
- d) The personal information recorded by Video Surveillance Systems 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

MFIPPA. Access will depend upon whether an exemption applies and if exempt information can be reasonably severed from the record.

- e) The information viewed will remain, at all times, the property of the Town of Hanover and will be treated as confidential.

## **10.2 Access for Evidentiary Purpose**

- a) Should 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 their Manager. The Manager will notify the CAO/Clerk.
- 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.

## **10.3 Police-Requested Access**

The Town of Hanover 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 C to this policy which shall be filed with the office of the CAO/Clerk.

## **10.4 Access Procedure**

Only those having a legitimate need to view the record will be given access.

- a) Internal requests for disclosure shall be submitted in writing to the appropriate Department Head stating the nature and purpose of the request. A video recording may be released if it is necessary for the performance of an employee's duties in the discharge of the Town's functions.
- b) For all requests related to investigations of serious employee misconduct, written notice shall be provided by the Department Head to the Human Resources Coordinator and CAO/Clerk.
- c) Requests from the general public for access to personal information collected by a video surveillance system shall be processed by the CAO/Clerk in accordance with procedures described in the Act.

## **11. COMPLIANCE**

Contravention of this policy or the provisions of MFIPPA by an employee may result in disciplinary action.

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

## **12. UNAUTHORIZED DISCLOSURE**

In the event of an inadvertent disclosure of personal information the department Manager shall be notified immediately. The department Manager shall inform the CAO/Clerk as soon as possible and all reasonable actions will be taken to recover the record and limit its

exposure. If the identity of the individual is known they shall be contacted and advised of the inadvertent disclosure.

### **13. RETENTION**

Personal information will only be retained for as long as necessary to fulfill the purpose for which it was collected.

- a) Video recordings that have not been requested by the public or accessed by authorized staff or law enforcement are considered transitory records and will be destroyed (overwritten) every 14 days. Based on the capacity of the surveillance equipment the destruction of records may occur more frequently, but no less than every 5 days.
- b) The viewing of live information on a monitor is not considered use of recorded information. However, if a video record is accessed or disclosed the recorded information is considered used and will be retained for a minimum of one year from the date of access. The video record will be stored in a secure location with restricted access by the originating department.
- c) If a video is proactively pulled in anticipation of a request, the video recording may be stored for up to thirty (30) calendar days in a secure location with restricted access. If no request is received within the thirty (30) days then the record is manually deleted.
- d) A video record used as evidence for law enforcement or public safety purposes under the Act, 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. The personal information contained in such a record will be destroyed in accordance with the normal procedure dealing with the destruction of evidence.
- e) Physical recording hardware will be disposed of in a secure way in which the personal information cannot be retrieved. Such disposal records will be maintained in writing.

### **14. NOTIFICATION**

The public shall be notified of the existence of video surveillance in monitored areas in compliance with Section 29(2) of the Act.

- a) Suitable video surveillance signs will be placed at all entrances to, and key locations within premises where surveillance is occurring. These signs will clearly indicate that video surveillance is taking place and will provide contact information for questions relating to the surveillance activity.
- b) Signage will satisfy the following notification requirements of MFIPPA which include:
  - i. informing individuals of the legal authority for the collection of personal information
  - ii. the principal purpose(s) for which the personal information is intended to be used
  - iii. the title, business address and email address of someone who can answer questions about the collection.
- c) This policy will be posted on the Town of Hanover website.

### **15. TRAINING**

Where applicable and appropriate, this policy will be incorporated into training and orientation programs of the Town and service provider(s). Training programs addressing staff obligations under MFIPPA shall be conducted as necessary.

## **16. ANNUAL AUDIT and EVALUATION**

The CAO/Clerk or designate, shall conduct an annual review of the 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.
- c) Video records are being properly retained and/or destroyed.
- d) Any formal or informal information requests from the public have been tracked.

## **17. POLICY REVIEW**

The CAO/Clerk shall periodically review the Video Surveillance Policy pending the outcome of the annual audit and evaluation or at any time the Town is considering changing or adding new video surveillance systems

## **18. APPENDICES**

- 'A' - Privacy Impact Assessment
- 'B' - Sign Specifications
- 'C' – Law Enforcement Record Request

## **19. REFERENCES**

The Municipal Freedom of Information and Protection of Privacy Act  
IPC Guidelines for the Use of Video Surveillance, October 2015

APPENDIX "A"

Town of Hanover  
Video Surveillance Privacy Impact Assessment

Site Name:	
Site Address   Location:	
Proposed Video Location:	
Requested By: Name   Department	

1. Video surveillance should only be considered after other measures of deterrence or detection have been considered and found unfeasible. Describe the alternate measures undertaken or considered and why they are inadequate.
2. Reason for Video Camera Surveillance <ul style="list-style-type: none"> <li><input type="checkbox"/> Public Safety</li> <li><input type="checkbox"/> Employee Safety</li> <li><input type="checkbox"/> Protect Municipal Property/Risk Management</li> <li><input type="checkbox"/> Reduce Crime/Vandalism</li> <li><input type="checkbox"/> Other _____</li> </ul>
3. The use of video surveillance should be justified on the basis of verifiable, specific reports of incidence of crime or significant safety concerns. Please provide details and rationale of the need for camera surveillance. Note any documented incidents of crime or safety issues.
4. Provide detail on the area the camera will capture.
5. Where will monitoring equipment be located?
6. Who will have authorized access to equipment?
7. Signage Location(s):

8. An assessment should be conducted on the effects 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
The location of the proposed camera is situated in an area that will minimize privacy intrusion?			
Is the proposed camera location one where the public and employees do not have a higher expectation of privacy (eg. changeroom/washroom)?			
Is the monitoring and reception equipment located in a strictly controlled access area?			
Can the video surveillance be restricted to the recognized problem area?			
Can the equipment be restricted to prevent adjustment, zoom or other manipulation that may result in information being collected about spaces not intended to be covered by the surveillance program?			
Has a drawing been attached that depicts video location?			
Other Comments:			
Name (print)		Position	
Signature			

		Comments
<input type="checkbox"/>	Approved	
<input type="checkbox"/>	Denied	

\_\_\_\_\_  
Signature of CAO/Clerk

\_\_\_\_\_  
Date

APPENDIX "B"  
SIGN REQUIREMENTS – SAMPLE

**THIS AREA IS MONITORED BY VIDEO SURVEILLANCE CAMERAS**

The personal information collected by the use of cameras at this site is obtained under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*. This information is used for the purpose of promoting public safety and protection of property at this site.

**Please direct inquiries to:**

CAO/Clerk, Town of Hanover  
341 10<sup>th</sup> Street, Hanover, ON N4N 1P5  
519.364.2780 | [civic@hanover.ca](mailto:civic@hanover.ca)



## Law Enforcement Record Disclosure Request

The following information is being requested under section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act which allows for the disclosure of records containing personal information for the purposes of aiding a law enforcement investigation.

**Part 1: This section to be completed by the attending Law Enforcement Officer**

Information Requested			
Municipal Facility   Location			
Date of Recording		Time Period	
<p>I, _____ request the above personal information to aid an  Name of Officer</p> <p>investigation undertaken by _____ with view  (Law Enforcement Institution)</p> <p>to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. I  confirm that the record will be destroyed after use by the agency.</p>			
Officer Signature	Badge ID Number	Business Phone Number	Date

**Part 2: This section to be completed by Staff Authorized to Disclose Record**

Disclosed by: (Staff Name/Position)	Signature
Date	Phone Number

Submit completed original form to the Clerk's Office at the Town of Hanover, 341 10<sup>th</sup> Street, Hanover, ON N4N 1P5.

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 regarding the collection may be addressed to the CAO/Clerk of the Town of Hanover, 341 10<sup>th</sup> Street, Hanover, ON N4N 1P5. Phone: 519.364.2780.