The Corporation of the Town of South Bruce Peninsula

By-Law Number 44-2014

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Video Surveillance Policy and Procedures)

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas Section 11 of the Municipal Act, 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

And whereas Section 270 (1) 5 of the Municipal Act, 2011, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by adding a policy with regard to video surveillance and procedures.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1) That policy A.6.3 Video Surveillance Policy and Procedures as attached hereto be added to the Municipal Policy Manual.

2) That all by-laws and polices inconsistent with this by-law are hereby repealed and replaced with this by-law.

3) That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 20th day of May, 2014.

[Signatures]

Mayor

Clerk
Read a third time and finally passed this 3rd day of June, 2014.

[Signatures]

Mayor

Clerk
Video Surveillance Policy and Procedures

Purpose:

The Town of South Bruce Peninsula shall use video surveillance systems in accordance with the Municipal Freedom of Information and Protection of privacy Act (the Act). Video surveillance systems shall be used to protect municipal facilities, employees, the public and patrons who are under surveillance in public areas.

Policy Statement:

The Corporation of the Town of South Bruce Peninsula is committed to employee protection, public safety, crime prevention and stewardship of publicly-owned assets.

Where warranted, the Town may use video surveillance systems in Town-owned or operated buildings and open spaces to deter and detect both anti-social behaviour and crime such as theft, vandalism and unauthorized entry.

The provisions of this policy will apply to public areas only.

Policy Procedures:

1.0 Legislative Requirements

The Town 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.

2.0 Public Consultations

The Town 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:

2.1 Open Public Spaces: When new or additional video surveillance systems are being considered for open public spaces such as streets or parks, the Town shall consult with relevant stakeholders and the public to determine the necessity and acceptability.
2.2 **Town-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.

2.3 **Not Required for Inside Municipal Buildings and Parking Lots:** 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.

### 3.0 Staff Roles and Responsibilities

#### 3.1 Town Clerk
The Town Clerk shall be responsible for:

- 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.

#### 3.2 Manager of Public Works
The Manager of Public Works shall be responsible for:

- a. The installation of any video surveillance equipment.
- b. The monitors for such video surveillance equipment.
- c. The training of staff who have authorized access to monitoring equipment and recorded information; i.e. – training on the equipment and the policy.
- d. The signing of a written confidentiality agreement by authorized staff regarding their duties under the Policy and the Act.
- e. Reporting on breaches of the policy which may result in disciplinary action in accordance with the Town’s Policy Manual.

#### 3.3 Manager of Financial Services
The Manager of Financial Services shall be responsible for the storage of the video surveillance equipment if required to be stored in a designated, protected area on site.

#### 3.4 The Administrator
The Administrator shall be responsible for conducting the annual audit and acting upon reported breaches of the policy.
4.0 Contracted Service Providers

3.1 **External Service Provider:** When the day-to-day operation of a Town-owned facility is contracted to an external service to provide the contracted service, the provider’s responsibility relating to the Video Surveillance Policy shall be referenced in their contractual agreement with the Town.

3.2 **Contract Staff:** Authorized contract staff shall comply with the appropriate staff roles and responsibilities as outlined.

3.3 **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.

5.0 Location and Use of Video Surveillance Equipment

5.1 **Video Surveillance Cameras:**

a. The Town 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 Town 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.

5.2 **Video Monitors**

a. The Town shall ensure that video monitors are accessed only by authorized Town staff, contract service providers or contract staff; and are not located in a position that enables public viewing.

b. The Town shall encourage sites to turn monitors off when not needed to confirm the safety of employees and the public.

5.3 **Reception Equipment**

a. The Town shall ensure that video reception equipment is located away from the public in restricted access areas, preferably in locked rooms or a locked storage unit.
5.4 Video Storage
   a. The Town shall ensure that devices used to record information are stored either in the same room as the reception equipment or in a locked unit.
   b. All video storage devices used in the recycling rotation, awaiting review by police, or in storage post police review shall be stored in a locked cabinet at all sites with access restricted to authorized staff.

5.5 Location Site for Video Surveillance Equipment
   a. The Public Works Manager shall ensure that maps and floor plans are prepared to identify the location site of all video surveillance equipment and storage devices at each site.
   b. The Town Clerk and the Facilities Coordinator shall have copies of all such maps and plans.

5.6 Hours of Operation
   Most video surveillance equipment shall operate 24 hours per day during the season(s) the facility is open.

6.0 Video Records

6.1 Normal Retention Period:
   Video records, which may include video compact discs or other digital storage recorders, shall be erased within twenty-four (24) hours or as part of the normal rotation process.

6.2 Video Records Set Aside for Law Enforcement Viewing
   a. The Town 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.
   b. The video shall be removed from the rotational cycle and replaced with another video recording device.

6.3 Video Records Used as Evidence
   a. The Town 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 one (1) year after its use.
   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.
7.0 Access to Recorded Information

7.1 Viewing Video Records
The Town shall ensure that authorized staff (including contracted service providers) shall review surveillance video records only if they have reasonable cause to believe that a crime or an act of anti-social behaviour has been or is in the process of being committed.

7.2 Access for Evidentiary Purpose
a. If Staff has reason to believe that the video record contains personal information for law enforcement or public safety purposes, they shall notify the police and immediately remove the video record from the rotational cycle.

b. The removed video record shall be clearly 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 videotape.

d. In the event that a video record is in digital form, a separate file may be created and transferred to the police in a secure format.

7.3 Police-Requested Access
The Town shall ensure that if the police request access to and use of the video record, Staff will allow the video record to be viewed, accessed or removed, in accordance with applicable law.

7.4 Inadvertent Disclosures
a. The Town shall ensure that inadvertent disclosures are addressed in a timely and effective way.

b. Staff shall immediately report the incident to their Supervisor; attempt to retrieve the personal information that has been inappropriately disclosed; and commence an investigation.

c. Staff inform the Town Clerk, who shall notify the Information and Privacy Commission.

8.0 Public Notification & Access to Information

8.1 Signage
a. The Town 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:
   o Identify legal authority for collection of personal information (S.28(2) of the Act); and
   o Provide the title, address and telephone number of contact person who can answer questions about the system.

8.2 Other Promotion
The Town shall also ensure that information regarding this policy and the Video Surveillance Policy and Procedures is readily available at all sites with video surveillance systems and on the Town’s and/or facility’s website if applicable.

8.0 Annual Audit & Evaluation
The Administrator shall conduct an annual review of the Town’s video surveillance policy/system to ensure that:

8.1 Video surveillance continues to be justified; and if so, whether its use should be restricted or modified.

8.2 Reported incidents and police contact are being properly recorded in the logbooks.

8.3 Video records are being properly retained and/or destroyed; and

8.4 Any formal or informal information requests from the public have been tracked.

9.0 Policy Review
The Town 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 equipment.