

CORPORATION OF THE TOWN OF HEARST



Video Surveillance Policy and Guidelines
(as amended 2016)

PREAMBLE

When used with other security measures, video surveillance is proven to be an effective means of ensuring the security and safety of people in public places. Video surveillance cameras may be installed in public places wherever it is warranted by incidents of crime or by concerns for public safety. Video surveillance systems may also be used to prevent crime. Although personal information is collected in the form of images of individuals, this information will only be used for promoting public safety, aiding the Municipality's risk management efforts and reducing the incidence of crime. This policy has been prepared pursuant to sections 2 and 10 of the *Municipal Act, 2001* and complies with the *Municipal Freedom of Information and Protection of Privacy Act*.

POLICY STATEMENT

The Corporation of the Town of Hearst may use video surveillance as a means of ensuring the safety and security of individuals using public places, and the security of both public and private assets and property. The Town recognizes that the use of video surveillance also bears a potential for infringing upon individual rights to privacy. The implementation and operation of video surveillance shall therefore be carried out at all times in strict compliance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the policy guidelines set forth herein.

GUIDELINES

1. Application

- 1.1. These guidelines shall apply to the installation and use of video surveillance system by the Town of Hearst and its officers, employees, agents, contractors, and/or other third parties acting on behalf of the Corporation of the Town of Hearst with respect to such system. The provisions of the Act and the guidelines and procedures established herein shall be observed in the performance of their duties and responsibilities whether delegated, contracted or otherwise assigned.
- 1.2. These guidelines shall not apply to the video and audio taping and broadcasting of meetings of the Council of the Corporation of the Town of Hearst.

2. Definitions

2.1. For the purposes of this policy, the following meanings shall apply:

- a) **Act** shall mean the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, chapter M.56* and amendments thereto;
- b) **Council** shall mean the Council of the Corporation of the Town of Hearst;
- c) **Municipality** shall mean the Corporation of the Town of Hearst;
- d) **Personal information** shall be as defined in section 2 of the Act relating to recorded information about an identifiable person, including but not necessarily limited to information relating to an individual's race, national or ethnic origin, colour, religion, sexual orientation or marital or family status of the individual. 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;

- e) **Reception equipment** shall mean the equipment or device used to receive or record the personal information collected through a video surveillance system, including but not necessarily limited to a camera or video monitor or any other video, audio, or other mechanical, electronic or digital device;
 - f) **Record** shall mean any record of information, however recorded, whether in printed form or on film, by electronic means or otherwise, and includes a photograph, a film, a microfilm, a videotape, a machine-readable record, and/or any record that is capable of being produced from a machine-readable record;
 - g) **Storage device** shall mean any device used to store recorded data or visual, audio and/or other images captured by a video surveillance system; and
 - h) **Video surveillance system** shall mean a video, physical or other mechanical electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of defined areas.
- 2.2. In this policy, words used in the present tense shall include the future, words used in the singular shall include the plural and vice versa and words in the masculine gender shall include the feminine gender.

3. Use of Video Surveillance Systems Restricted

- 3.1. The Municipality shall only operate and use video surveillance systems and collect and record personal information for the following purposes:
- a) to protect the safety of the municipality's employees and the public;
 - b) to deter, detect, and/or investigate criminal activities in specific public places;
 - c) to protect municipal property and assets;
 - d) to properly administer user charges.
- 3.2. No person, including officers, employees, agents, contractors, and/or other third parties shall install, operate and use a video surveillance system or collect and record personal information thereby on behalf of the Municipality, except as approved by the Council and in conformity and compliance with the Act and this policy.

4. Considerations for the Installation and Use of Video Surveillance Systems

- 4.1. Video surveillance systems shall only be installed and used upon the approval of Council, by resolution.
- 4.2. Video surveillance systems shall only be used where other measures designed to enhance safety and reduce risk are not feasible, as for example where human and/or financial resources and physical infrastructure do not permit frequent patrols or visual oversight of the area.

- 4.3. Prior to the installation and use of a video surveillance system, consideration shall be given to the following:
- a) The justification of the use of a video surveillance system on the criteria identified in section 3.1 of this policy;
 - b) The determination that the benefits to be derived from the installation and use of the video surveillance system outweigh any concerns with respect to infringement upon personal privacy;
 - c) The design, installation and operation of the video surveillance system to minimize infringement upon personal privacy as much as is possible, while still achieving the required lawful objectives.

5. Responsibilities of Municipal Officers, Employees and Contractors

- 5.1. The Chief Administrative Officer shall be responsible for:
- a) the overall video surveillance system program;
 - b) assigning duties to install, operate, use and access the video surveillance system to officers, employees, contractors and third parties;
 - c) maintaining a list of officers, employees, contractors and third parties acting on behalf of the Municipality in regards to this policy;
 - d) ensuring that all policies and procedures stated in this policy are complied with by all officers, employees, contractors and third parties acting on behalf of the Municipality in regards to this policy;
 - e) ensuring the list of all surveillance systems operated by the Town (Schedule A of this policy) is kept up to date;
 - f) responding to queries from the public about the collection of personal information;
 - g) posting public notices in accordance with the requirements set out in section 7 hereto;
- 5.2. The Clerk shall be responsible for:
- a) authorizing and approving the release of information or records pursuant to clauses 8.6 and 11.2 hereto;
- 5.3. The Council may elect to contract the day-to-day operation of the video surveillance system to a contractor or another third party.
- 5.4. Every officer, employee, contractor and third party acting on behalf of the Municipality to install, operate and use a video surveillance system or having access to such system or any information or records collected thereby shall be strictly held to the confidentiality of such system, information and records.

- 5.5. Any breach of this policy or the provisions of the Act by any officer or employee acting on behalf of the Municipality to install, operate and use a video surveillance system or having access to such system or any information or records collected thereby shall be subject to such disciplinary action as the Council may deem advisable.
- 5.6. Any breach of this policy or the provisions of the Act by a contractor or third party acting on behalf of the Municipality shall be considered a breach of contract, which shall result in immediate termination of such contract, and the contractor or third party shall be liable for any damages, actions, suits or proceedings arising out of or consequent to such breach.

6. Installation and Placement of Video Surveillance Equipment

- 6.1. Reception equipment shall be installed in such a manner that it only monitors or surveys those public spaces and areas that have been identified as requiring video surveillance.
- 6.2. Reception equipment shall not be installed in such manner that it can monitor the interior spaces of adjacent buildings, the exterior areas of private properties or the interior areas of public buildings where the public and employees have a high expectation of privacy, such as change rooms and washrooms.
- 6.3. The operation of video surveillance shall be restricted to areas where there is a demonstrably higher likelihood of crime being committed or public nuisance or mischief to occur and detected.
- 6.4. Reception equipment, including monitoring devices, shall be installed in a strictly controlled access area where admittance is restricted only to authorized officers, employees, contractors or third parties.

7. Public Notice

- 7.1. Notices in both official languages shall be prominently posted at the perimeter of the designated video surveillance area, or at the entrance to such area, or on the exterior walls or interior walls of public buildings, so that the public has reasonable and adequate warning that surveillance is or may be in operation.
- 7.2. Notices shall state the following information and be in the format illustrated in Appendix A hereto:
 - a) the legal authority for the collection of personal information;
 - b) the purpose(s) for which the personal information is intended to be used; and
 - c) the title, business address and telephone number of the person responsible for answering questions about the collection of personal information.
- 7.3. The video surveillance policy shall be available on the Municipality's website www.hearst.ca or in print upon request.

8. Access, Use and Disclosure of Information

- 8.1. Information collected through video surveillance shall not be retained or used for any purposes other than the stated reasons and objectives for which said surveillance was installed, as set out in section 3 hereto and according to section 9 hereto.
- 8.2. Storage devices that have been used shall be dated, labelled and stored securely in a locked container located in a controlled access area to which admittance is restricted to authorized personnel.
- 8.3. Logs shall be kept to document all instances of access to and use of recorded material.
- 8.4. Authorized persons may view images in real time for monitoring purposes, provided that the monitoring meets the purposes outlined in this policy. Monitoring equipment must be located in a controlled access area. Only those officers, employees, contractors and third-parties who are authorized by virtue of their roles to monitor images should have access to the area of the monitors.
- 8.5. Playback and viewing of the recorded images is restricted to the officers, employees, contractors and third parties who are authorized by virtue of their roles. The Head of Department of each location that has video surveillance cameras has access to the playback function. Playback and viewing may only be done when such playback and viewing is warranted by an incident that has been reported or observed or to investigate a potential crime.
- 8.6. Requests from enforcement agencies, including Police forces, Ministries and other bodies must be made through the Clerk under MFIPPA. Images which are required for the purposes of legitimate law enforcement investigations and public safety purposes will be release to these bodies upon receipt of appropriate document, including the release form as set out in Appendix B hereto.
- 8.7. Pursuant to section 36 of the Act, an individual whose personal information has been collected by video surveillance has a right of access to his or her personal information, unless an exemption under section 38 of said Act applies.

9. Record Retention

- 9.1. The retention period for information that has not been viewed for law enforcement, public safety purposes or security of public property shall depend on the storage capacity of the device, and eventually, said recorded information shall be erased or securely disposed of (overwritten, shredded, burned or degaussed).
- 9.2. Information required for evidentiary purposes shall be securely stored and retained until law enforcement authorities formally request such information.
- 9.3. Recorded information that has been viewed for law enforcement or public safety purposes shall be retained for a period of one (1) year or longer as required for Court purposes in which case it shall be retained by authorized officials as long as legally necessary or permissible.

10. Auditing and Evaluating the Use of Video Surveillance Systems

- 10.1. The use and security of video surveillance equipment and compliance of officers, employees, agents, contractors, and/or other third parties with the policies and procedures set out herein shall be subject to regular audits carried out by the Municipality or, at Council's discretion, by an external party.
- 10.2. The policy and procedures herein shall be subject to review every two (2) years or sooner if there is a change or upgrade to the video surveillance system.
- 10.3. The video surveillance program shall be evaluated and reviewed annually to determine whether the program is still justified in accordance with the rationale and objectives set out in section 3 hereto.

11. Additional Resources, Information and Questions

- 11.1. Questions, concerns and requests for additional information with respect to this policy and its procedures should be addressed to the Chief Administrative Officer.
- 11.2. Requests from individuals for access to their personal information and from law enforcement authorities for access to records shall be made to the Clerk.

**Appendix A
Video Surveillance Policy and Guidelines**

PUBLIC NOTICE

ATTENTION

Cette zone peut être surveillée par des caméras de vidéosurveillance (CVS).
Les renseignements personnels recueillis par l'utilisation de CVS sur ce site le sont sous l'autorité de lois provinciales et de l'Arrêté municipal 57-10 de la Ville de Hearst, et seront utilisés uniquement aux fins de sécurité publique et de réduction de la criminalité dans cette zone.

Pour toutes questions, S.V.P. vous adresser à l'AEC de la Ville de Hearst au 925, rue Alexandra, ou (705) 362-4341 ou à townofhearst@hearst.ca

ATTENTION

This area may be monitored by Video Surveillance Cameras (VSC).
The personal information collected by the use of VSC at this site is collected under the authority of Provincial law and By-law 57-10 of the Town of Hearst, and will be used solely for the purposes of public safety and the reduction of crime in this area.

Questions should be directed to the Chief Administrative Officer of the Town of Hearst at 925 Alexandra Street, (705) 362-4341 or e-mail townofhearst@hearst.ca



Appendix B
Video Surveillance Policy and Guidelines

RELEASE OF INFORMATION/RECORD(S)

This form is authorized and required pursuant to By-law 57-10 of the Corporation of the Town of Hearst and the "Town of Hearst Policy on the Use of Video Surveillance". This form must be completed in its entirety prior to the release of any information or records.

Name of individual requesting the release of information/record(s):

Address:

Telephone: _____ E-mail: _____

Information/record(s) are being requested under the authority of:

Description of information/record released:

Date released: _____ Time released: _____

This information/record will be returned on or before: _____, or

will be destroyed after its use by: _____

I hereby declare that the information contained in this form is true.

Signature of individual requesting information/record(s) Date

I hereby authorize and approve the release of the information or record(s) identified herein to the individual named herein.

Clerk Date

Appendix C
Video Surveillance Policy and Guidelines

VIDEO SURVEILLANCE SYSTEMS LOCATIONS

1. Town Hall
2. Claude Larose Recreation Centre
3. Rene Fontaine Municipal Airport
4. Hearst Public Library
5. Public Works Garage
6. Waste Disposal Site
7. Hearst Child Care Centre
8. Downtown area (Front St., George St., 9th St.)
9. Gilles Gagnon Welcome Centre

**Appendix D
Video Surveillance Policy and Guidelines**

EMPLOYEE ACKNOWLEDGMENT AND DECLARATION

I hereby acknowledge that I have read and understood the Town of Hearst's Video Surveillance Policy and Guidelines. I hereby understand and agree that all of information collected by video surveillance is confidential and I further declare that I will not divulge such information except in conformity with the said Video Surveillance Policy and Guidelines. I further acknowledge and understand that any breach of the confidentiality of the information gathered therefrom may result in disciplinary measures that could include dismissal from my employment.

Name

Date

Signature

Witness