

POLICY TITLE	Use of Corporate Cameras Policy
CATEGORY	Administration
POLICY NUMBER	A09 ADM 033
DEPARTMENT	Corporate Services
POLICY AUTHOR	City Clerk
POLICY TYPE	Administrative Policy
APPROVED BY	City Manager/CLT
EFFECTIVE DATE	(10/19/2021)
REVIEW DATE	(10/19/2023)

POLICY STATEMENT

The City Cambridge (the Municipality) recognizes the need to balance an individual's right to privacy and the need for the safety and security of its residents, visitors, municipal employees and property while integrating best practices with a responsible use of technology to minimize privacy intrusions.

PURPOSE

The object of this policy is to govern the Use of Corporate Cameras within the City of Cambridge to enhance the safety and security to prevent unauthorized activities and reduce risk and liability exposures.

DEFINITIONS

City: - The Corporation of the City of Cambridge.

Clerk: - The City Clerk of the Corporation of the City of Cambridge.

Consistent purpose: - Personal information collected by the City of Cambridge used for the purpose for which it was collected.

City business: - The individual to whom the information relates might reasonably expect the use/disclosure of their personal information for those consistent purposes.

Control (of a record): - The power or authority to make a decision regarding the use or disclosure of a record.

Custody (of a record): - The keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always constitute custody, it is the best evidence of custody.

Destruction: - The physical or electronic disposal of records or data by means of disposing, recycling, deletion or overwriting. This also includes the destruction of records or data residing on computers and electronic devices supplied or paid for by the Corporation.

Freedom of information process: - A formal request for access to records made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Head: - The City Clerk designated as head for the administration of the Municipal Freedom of Information and Protection of Privacy Act.

Information and Privacy Commissioner: - The Information and Privacy Commissioner of Ontario (commonly referred to as the IPC).

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA): - Is the legislation that governs access, use and disclosure of information held by the Municipality.

AUTHORITY

The IPC provides oversight to Ontario's access and privacy laws and the administration of how institutions may collect, use and disclose personal information. The IPC provides the public with the right of access to government-held information while ensuring that personal information remains private and secure.

In addition to overseeing the province's access and privacy laws, the IPC also serves both the government and public to:

- resolve appeals when access to information is refused;
- investigate privacy complaints related to personal information;
- ensure compliance with the acts;
- review privacy policies and information management practices;
- conduct research on access and privacy issues and provide comment on proposed government legislation and programs;
- educate the public, media and other stakeholders about Ontario's access and privacy laws and current issues affecting access and privacy.

The Commissioner is an officer of the Legislature who is appointed by, and reports to, the Legislative Assembly of Ontario.

This policy has been developed in accordance with the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and has been drafted to conform with the practices outlined by the IPC Guidelines for the Use of Video Surveillance.

As detailed in Section 28(2) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), personal information may be collected without consent when it is:

1. Expressly authorized by statute or by-law;
2. Used for the purpose of law enforcement; or
3. Necessary to the proper administration of a lawfully authorized activity.

SCOPE

This policy applies to the use of all camera systems within the City of Cambridge.

To all City of Cambridge employees, including full-time, part-time, casual, contract, volunteer and co-op placement employees, as well as contractor and service providers while performing authorized activities for the City.

And does not apply to covert use used as an investigation tool for law enforcement purposes or in contemplation of litigation.

The guidelines outline are not intended to apply to workplace surveillance systems installed by an institution to conduct surveillance of employees.

POLICY

The City of Cambridge is required to comply with Ontario's privacy laws and therefore has an obligation with respect to the notice, collection, access and use, disclosure, retention and disposal of personal information, including fundamental data minimization principles

While the use of camera systems are installed for safety and security reasons, the use of camera systems must minimize privacy intrusion.

Guideline to Follow to the Installation of Camera Systems

Prior to the installation of camera systems, the following factors must be considered:

- the use of camera systems should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concern;

- a privacy impact assessment must be conducted on the effects that the proposed camera system may have on personal privacy, and the ways in which any adverse effect can be mitigated;
- the proposed design and operation of the camera system should minimize intrusion;
- whether or not additional sensory information, such as sound, needs to be captured.

When designing a camera system and installing equipment the following must be considered:

- the camera system may operate at any time in a 24-hour period;
- the camera system should be installed to only monitor those spaces that have been identified as requiring camera use;
- the ability to adjust cameras should be restricted, if possible, so that the cameras do not record and operators cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the camera use program, such as windows in adjacent buildings or onto adjacent properties;
- equipment should never monitor the inside of areas where the public or employees have a higher expectation of privacy (e.g. change rooms and washrooms);
- where possible, camera use should be restricted to periods where there is a demonstrably higher likelihood of crime being committed and detected in the area under camera use;
- viewing and recording equipment must be located in a strictly controlled area;
- only authorized and trained staff shall have access to the controlled access area and that reception / recording equipment;
- every reasonable attempt should be made to ensure camera monitors are not in a position that enables the public and / or unauthorized staff to view the monitors.

Use of Recorded Information:

The information collected through camera recordings shall only be used for the purposes of:

- enhancing the safety and security of employees, the public and corporate assets;
- preventing unauthorized activities upon or involving City property;
- assisting in investigating unlawful activity;
- assessing the effectiveness of safety and security measures;
- investigating an incident involving the safety or security of people, facilities or assets;
- providing evidence as required to protect the City's legal rights;
- investigating an incident or allegation of serious employee misconduct;
- investigation and incident involving a potential or active insurable claim; or
- a consistent purpose.

Notice of Use of Camera Systems

In order to provide notice to individuals that cameras are 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 camera use; (Appendix A);
- the notification requirements of this sign must inform individuals, using words and symbols, 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 someone who can answer questions about the collection;
- A map of all authorized camera locations will be available on the Municipal website.

Personnel Authorized to Operate Camera Equipment

- Only the City Clerk, or personnel authorized by the City Clerk, shall be permitted to operate camera use systems.

Equipment / Types of Recording Devices

The Municipality may use Digital Camera Recorders (DVR) in its camera systems. Facilities using camera recorders will retain these records for a period of up to 30 days, depending on the recording device and technology. A record of an incident will only be stored longer than 30 days where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes. Monitors will be kept in a secure location where they are not visible to the public.

Record Identification

All records (storage devices) shall be clearly identified (labeled) as to the date and location of origin. They shall be labeled with a unique, sequential number or other verifiable symbol. In facilities with a DVR that stores information directly on a hard drive, the computer time and date stamp shall be understood to be this identification. In facilities with a VCR or other recording mechanism using a removable / portable storage device, the operator shall affix a label to each storage device identifying this information.

Access Logs

Access to cameras will be monitored with a record of all activities related to camera devices recorded in an access log. Access Logs will include all information regarding the use, maintenance, and storage of records and all instances of access to, and use of, recorded material. All access log entries will also detail authorized staff, date, time, and activity. Access logs must remain secure with only the City Clerk authorized to review or remove access logs from the secure location.

Access to Records

Access to camera records shall be restricted to authorized personnel only in order to comply with their roles and responsibilities as outlined in the Camera Use Policy. Any staff accessing records should sign a written agreement to adhere to this policy, including an undertaking of confidentiality.

Storage

All storage devices that are not in use must be stored securely in a locked receptacle located in an access-controlled area.

Access Requests: Public Process

With exception of requests by law enforcement agencies, all requests for camera records should be directed to City Clerk's office for processing. A person requesting access to a record should make a request in writing either in the form of a letter or the prescribed

Access / Correction Request Form (Appendix B) and submit it to the City Clerk under MFIPPA.

The individual requesting the record must:

- Provide sufficient detail (the approximate time and date, the location - if known - of the incident, etc.) to enable an experienced employee, upon a reasonable effort, to identify the record; and,
- At the time of making the request, pay the prescribed fees as provided for under the Act.

Access Requests: Law Enforcement

If access to a camera Use record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the Law Enforcement Officer Request Form (Appendix C) and forward this form to the City Clerk. While there may be other situations where the disclosure of camera use footage is permitted, camera footage may be disclosed to a law enforcement agency when:

- the law enforcement agency approaches the Municipality with a warrant requiring the disclosure of the footage, as per section 32(e) of MFIPPA;
- the law enforcement agency approaches the Municipality, without a warrant, and requests the disclosure of footage to aid an investigation from which a proceeding is likely to result, as per section 32(g) of MFIPPA;
- staff observe an illegal activity on municipal property and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 32(g) of MFIPPA;
- staff will provide the recording for the specified date and time of the incident as requested by the Law Enforcement Officer and record the following information in the facility's camera logbook:
 - i) the date and time of the incident including the designated name/number of the applicable cameras;
 - ii) the time and date the copy of the original record was sealed;
 - iii) the time and date the sealed record was provided to the requesting Officer;
 - iv) the case file number of the agency's investigation;
 - v) a description of the circumstances justifying the disclosure;

- vi) the amount of footage involved;
 - vii) the name, title and agency to whom the footage is being disclosed;
 - viii) the legal authority for the disclosure;
 - ix) the means used to disclose the footage; and
 - x) if the record will be returned or destroyed after use by the Law Enforcement Agency.
- this must only be completed by an individual(s) authorized in a private, controlled area that is not accessible to other staff and/or visitors;
 - in order to protect privacy, the Municipality will, whenever possible, strongly encrypt camera footage at rest and when transmitted across open, public networks, and store physical records of footage, such as discs, memory cards or servers, in a locked facility.

Custody, Control, Retention and Disposal of Records

The Municipality retains custody and control of all original camera records not provided to law enforcement.

Camera records are subject to the access and privacy requirements of the MFIPPA, which includes but is not limited to the prohibition of all staff from access or use of information from the camera system, its components, files, or database for personal reasons.

With the exception of records retained for criminal, safety, or security investigations or evidentiary purposes, or as otherwise required by law, the Municipality must not maintain a copy of recordings for longer than 30 days.

Any records that are accessed or disclosed will be retained for one year, as per Regulation 823 of MFIPPA.

The Municipality will take all reasonable efforts to ensure the security of records in its custody or control and ensure their safe and secure disposal.

Old storage devices must be disposed of in accordance with an applicable technology asset disposal process ensuring personal information is erased prior to disposal, and cannot be retrieved or reconstructed. Disposal methods may include shredding, burning, or erasing, depending on the type of storage device.

Unauthorized Access and / or Disclosure (Privacy Breach)

Staff who become aware of any unauthorized disclosure of a camera record in contravention of this Policy and/or a potential privacy breach are to immediately notify the City Clerk. After this unauthorized disclosure or potential privacy breach is reported:

- Upon confirmation of the existence of a privacy breach, the City Clerk shall notify the Information and Privacy Officer of Ontario (IPC) and work constructively with the IPC staff to mitigate the extent of the privacy breach and to review the adequacy of privacy protection with the existing policy.
- Staff shall inform the City Clerk of events that have led up to the privacy breach.
- Staff shall work with the City Clerk to take all reasonable actions to recover the record and limit the record's disclosure.
- The City Clerk shall notify affected parties whose personal information was inappropriately disclosed.
- The City Clerk shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

Intentional wrongful disclosure or disclosure caused by negligence by employees may result in disciplinary action up to and including dismissal. Intentional wrongful disclosure or disclosure caused by negligence by service providers (contractors) may result in termination of their contract.

Awareness and Training for Municipal Employees

Authorized staff that have access to or are required to view footage will be required to attend mandatory awareness training on the use of camera systems.

Inquiries from the Public Related to the Camera Use Policy

A staff member receiving an inquiry from the public regarding the Camera Use Policy shall direct the inquiry to the City Clerk.

Review of Camera Use Policy

This policy shall be reviewed every 2 (two) years by the City Clerk who will forward recommendations for update, if any, to Council for approval.

POLICY COMMUNICATION

This policy will be available on the City of Cambridge's Policy and Procedure SharePoint page.

RELATED PROCEDURES

“There are no related procedures.”

RELATED DOCUMENTS/LEGISLATION

The Municipal Freedom of Information and Protection of Privacy Act. R.S.O. 1990, c. M.56

Ontario Regulation 823 under the Municipal Freedom of Information and Protection of Privacy Act

FIPPA and MFIPPA – Bill 8 – Recordkeeping Amendments

REFERENCE MATERIAL

IPC: Guidelines for the Use of Video Surveillance

https://www.ipc.on.ca/wp-content/uploads/Resources/2015_Guidelines_Surveillance.pdf

Appendix A

**To promote safety this
area is under video
surveillance**

Images may be recorded and/or monitored



Information collected by the use of video equipment in this area is collected under the authority of the Municipal Act, 2001 in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Any questions about this collection can be obtained by contacting City Clerk's Office at 519-740-4680 ext 4583



Appendix B



Access/Correction Request Freedom of Information and Protection of Privacy

A \$5.00 application fee is required for ALL requests made under the
Municipal Freedom of Information and Protection of Privacy Act.
Cheque or money orders should be made payable to the City of Cambridge.

Request for: <input type="checkbox"/> General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	Name of Institution request made to: <h2 style="margin: 0;">CITY OF CAMBRIDGE</h2>
--	--

If request is for access to or correction of your own personal information records please indicate last name appearing on records <input type="checkbox"/> Same as below, or: _____		
Last Name:	First Name:	
Mailing Address:		
City / Town:	Province:	Postal Code:
Phone Numbers: (Day): _____ (Mobile): _____		
Email Address: _____		

** Please note that the use of personal contact information will only be used as a communication tool related to this request.
Records packages will ONLY be available via Regular Mail or for Pick Up.

Please provide a detailed description of requested records, personal information records or personal information to be corrected. (If you are requesting access to, or correction of your personal information, please identify the personal information bank or record containing the personal information, if known). (Please use the back of this form if additional space is required).

Note: If you are requesting a correction of personal information, please indicate the desired correction and, if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

Preferred method of access:	<input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	Signature:	Date:
------------------------------------	--	-------------------	--------------

Personal information contained on this form is collected pursuant to Municipal Freedom of Information and Protection of Privacy legislation and will be used for the purpose of responding to your request. Questions about this collection should be directed to the City Clerk's Office of the Corporate Services Department @ 519-740-4680.

For Institution Use Only:		
Date Received:	Request Number:	Response Date:

Appendix C



LAW ENFORCEMENT OFFICER REQUEST FORM DISCLOSURE OF PERSONAL INFORMATION

Corporate Services Department – Office of the City Clerk

The following information is being requested under section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act (the Act) which provides for the disclosure of records containing personal information of an individual for the purpose of aiding an investigation with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

PART ONE: DETAILS OF REQUEST (To be completed by Law Enforcement Officer):				
Incident Date:	Incident Location:	Incident Time:		
Information Requested (please describe): 				
Occurrence Reference No.:	Review Original Documents:		Copies Requested:	
	YES	NO	YES	NO
Name of Law Enforcement Agency:	Name of Law Enforcement Officer:	Badge / ID No.:	Telephone:	
Signature of Law Enforcement Officer:		Date of Request:		
PART TWO: INFORMATION/RECORD(S) DISCLOSED (To be completed by City Staff disclosing information/records):				
Department / Division:				
Information / Record(s) / File(s) Disclosed (please describe): 				
Disclosure of Information by City Staff:				
Name of Staff Member:	Title / Position:	Telephone:		
Signature of Staff Member:			Date:	