



City of
Peterborough

Video Recording Policy

Department:	Corporate and Legislative Services
Division:	Clerk's Office
Section/Function:	N/A
Approval Level:	Council
Effective Date:	2020-12-14
Revision #:	2

1.0 Purpose

1.1. The City recognizes that:

1. The use of Video Recording can be an effective method to:
 - a) Support public safety and security.
 - b) Detect and deter criminal activity.
 - c) Detect, manage, and mitigate incidents.
 - d) Safeguard and optimize City property and assets.
2. There is a need to balance the use of Video Recording with individuals' right to privacy.

1.2. This Policy, and the related Procedures, provide direction and guidelines for:

1. The use of Video Recording on and around City property.
2. The collection, use, disclosure, retention, security, and disposal of recorded information collected through Video Recording. Recorded information includes both Video Recordings as well as any associated audio recordings captured as part of the Video Recording process.

1.3. This Policy, and the related Procedures, are developed in accordance with:

1. The **MFIPPA** and other applicable legislation.
2. The Guidelines for the Use of Video Surveillance and other resources developed by the IPC.

2.0 Application

This Policy applies to:

- 2.1. All those authorized, involved in or responsible for overseeing or conducting Video Recording activities and initiatives on behalf of the City, which includes, but is not limited to, the following roles defined within this Policy:
 - a) The City's Corporate Lead for Video Recording
 - b) The City's Program Leads for Video Recording
 - c) Commissioners
 - d) Authorized Representatives
- 2.2. All those involved in or responsible for conducting Video Recording activities on behalf of the City (e.g. employees, elected officials, contractors, consultants).
- 2.3. All types of equipment and devices used to capture/collect, record, store, and/or transmit information and recordings on behalf of the City.
- 2.4. All records and/or recordings captured by the City through its use of Video Recording technology.
- 2.5. All City Property and Designated Sites where Video Recording has been approved to take place.
- 2.6. This Policy does not apply to Covert Video Surveillance undertaken for law enforcement purposes or to video monitoring in non-public places.

3.0 Definitions/Acronyms

Approval Authority – The approval body within the City authorized to approve new or additional Video Recording installations, requests, proposals and programs. For the City, the Approval Authority is the Administrative Staff Committee or City Clerk.

Authorized/Designated Site – The area in which Video Recording will be or is being conducted. The Designated Site includes both the location of the camera(s) and the camera focal point.

Authorized Representative – A City Representative who is granted authority to review and/or access certain information recorded through the use of Video Recording technology.

AVRS - Audio Video Recording System.

CCTV- Closed Circuit Television. A system in which signals are transmitted from a video camera to monitors via cables or telephone links, forming a closed circuit, as used in security systems, etc.

City – The Corporation of the City of Peterborough.

City Property – Any assets, buildings, facilities, infrastructure, public place, or vehicles owned, operated, or leased by the City. Examples include, but are not limited to arenas, bridges, intersections, light poles, parks, roads, sidewalks, trails, transit buses, work trucks, and equipment.

City Representative – Any individual who approves, oversees, or conducts work or activities on behalf of the City. This includes, but is not limited to employees, volunteers, elected and appointed officials, contractors, consultants.

Corporate Lead – The Clerk and/or Clerk designate who has overall responsibility for:

- The City's privacy obligations and compliance under the **MFIPPA**.
- Programs of Video Recording including:
 - a) Developing, reviewing, updating, and monitoring compliance with the Video Recording Policy.
 - b) Advising Program Leads on legislative and policy requirements.
 - c) Reviewing Video Recording Program Procedures for compliance prior to a new or additional installation being approved.

Covert Surveillance – The secretive continuous or periodic observation of persons, vehicles, places, or objects to obtain information concerning the activities of individuals.

Data Storage Device – A videotape, computer disk or drive, CD ROM, DVD, computer chip, digital or online application or other device used to store the recorded data, visual, audio, or other images captured by a Video Recording system.

Designated Area - The particular area in which Video Recording is or will be conducted. The Designated Area includes both the location of the camera(s) and the camera(s) focal point(s).

IPC – The Information and Privacy Commissioner of Ontario provides oversight of Ontario's access and privacy laws that establish the rules for how public institutions may collect, use, and disclose personal information. The IPC also provides the public with a right of access to government-held information and to their own personal information while ensuring that personal information held by public institutions will remain private and secure.

MFIPPA – The **Municipal Freedom of Information and Protection of Privacy Act**. The purposes of MFIPPA are:

- To provide a right of access to information under the control of municipal institutions.
- To protect personal information held by municipal institutions and to provide individuals with a right of access to their own personal information.

Personal Information – As defined in Section 2 of **MFIPPA**, 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, colour, religion, age or sex. As denoted by the IPC, information is about an Identifiable Individual if:

- It is about the individual in a personal capacity; that is, it reveals something of a personal nature about the individual, and
- It is reasonable to expect that an individual can be identified from the information (either alone or by combining it with other information).

Privacy Breach – The collection, use, disclosure, retention and/or destruction of personal information in ways that are not in accordance with the privacy provisions of **MFIPPA**. Examples of Privacy Breaches include but are not limited to: a lost or misplaced file; a lost or stolen laptop; unauthorized access to personal information (electronic/hardcopy); or an inadvertent disclosure of Personal Information (e.g. human error in misdirecting an email).

Privacy Impact Assessment (PIA) – A process/approach for identifying and analyzing privacy risks when changing or developing programs or systems.

Program Leads – City Positions responsible for Video Recording programs in various divisions/departments.

Record – As defined in Section 2 of **MFIPPA**, any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record. For the purposes of this Policy, recording shall have the same meaning.

Video Recording – A process by which visual images are recorded on some form of magnetic recording device such as a tape or video disc.

Video Recording Program – The use of Video Recording for the purposes of: supporting public safety and security; detecting and deterring criminal activity; detecting, managing, and mitigating incidents; and/or safeguarding and optimizing City property and assets. Each separate initiative has its own Program Lead and Procedure.

Video Recording Program Procedure – A document that is completed for each program of Video Recording prior to installation and operation phases.

4.0 Policy Statement(s)

4.1. Authority

City divisions/departments may use Video Recording in and around City property subject to:

1. The **MFIPPA** and other privacy laws.
2. The **Ontario Human Rights Code**, the **Canadian Charter of Rights and Freedoms**, and other relevant legislation.
3. The IPC's Guidelines for the Use of Video Surveillance and any other resources provided through the IPC.
4. The provisions of this Policy and related Video Recording Program Procedure.
5. Completion of a PIA on new Video Recording initiatives and on significant upgrades to existing systems.
6. The development and approval of a Video Recording Program Procedure.

4.2. Process for New or Additional Video Recording Programs

New or additional Video Recording programs will only go forward for approval if the following steps and requirements have been undertaken and satisfied.

When considering the installation of new or additional Video Recordings, Program Leads must:

1. Use the City's Privacy Impact Assessment template, in collaboration with the Corporate Lead or Corporate Lead designate, conduct a Privacy Impact Assessment to identify, analyze, and mitigate the potential privacy risks.
2. Use the City's Video Recording Program Procedure template, in collaboration with the Corporate Lead or Corporate Lead designate, to develop a Video Recording Program Procedure.
3. Proceed with new or additional Video Recording Programs where:
 - a) It is determined that the division/department is conducting a lawfully authorized activity, and the collection of personal information the via Video Recording is necessary for the achievement of this objective.

- b) The proposed Video Recording Program, including PIA and Video Recording Program Procedure, have been:
- i. Reviewed and endorsed by the Corporate Lead;
 - ii. Approved by the Administrative Staff Committee; and
 - iii. Confirmed to comply with all the requirements of **MFIPPA**, the IPC, and the City's Policy.

4.3. Design, Installation, and Operation of a Video Recording Program

When designing, installing, or operating a new or additional Video Recording program, the Video Recording technology must:

1. Be installed only in identified public areas where Video Recording has been deemed necessary.
2. Minimize privacy intrusion and impacts.
3. Collect only the information necessary to achieve the required, lawful goals of the activity that necessitates the collection.
4. Be marked by prominent signage that fulfills the notice requirements, as set out in section 29(2) of **MFIPPA**.
5. Be kept in a strictly controlled area in which only Authorized Representatives have access.
6. Not be placed in areas where the public and employees have a high expectation of privacy (e.g. washrooms, changerooms).
7. Not to be placed where the monitors or recorded footage will be visible to the public or others who are not Authorized Representatives.

4.4. Notification to the Public

The City will ensure that the public is notified and/or consulted about the presence of Video Recording equipment by:

1. Posting advance notice of proposed new or expanded Video Recording at the Designated Site, where appropriate and necessary, with an opportunity identified for the public to provide their feedback.
2. Posting prominent signate that fulfills the notice requirements, as set out in section 29(2) of **MFIPPA**, at the perimeter of Monitoring areas.
3. Ensuring that signs are consistent in format and are clearly recognizable.
4. Ensuring that information regarding the City's Video Recording Policy and Video Recording Procedure are available at all sites with Video Recording systems.
5. Ensuring that the City's Video Recording Policy is posted on the City's website.

4.5. Collection, Access, Use and Disclosure

1. Information collected by way of Video Recording systems may only be used for the purposes stated in this Policy and the relevant Video Recording Procedure. Information will not be retained or used for any other purposes.
2. Only Authorized Representatives can monitor CCTV applications.
3. Only Authorized Representatives can collect personal information from Video Recording devices in response to incidents, concerns, and complaints.
4. The following parties are authorized to use the personal information captured via Video Recording systems:
 - a) Corporate Lead;
 - b) Program Lead;
 - c) Authorized Representatives, as outlined in relevant Video Recording Procedures;
 - d) Staff of the City of Peterborough's Legal Services Department, and outside counsel retained by the City of Peterborough to represent the City;
 - e) Staff of the City of Peterborough's Risk Management Division;
 - f) Staff of the City Clerk's Office; and
 - g) A City Representative who has been appointed and authorized by the City to use the information.
6. Section 32(g) of **MFIPPA** permits the disclosure of personal information by the City to a law enforcement agency in Canada for the purpose of aiding an investigation undertaken with a view to a law enforcement proceeding. Accordingly, personal information captured via Video Recording systems will be disclosed by Authorized Representatives to law enforcement personnel in response to specific requests for disclosure made under section 32(g). The purpose of the disclosure must be to aid in an active investigation from which a law enforcement proceeding may result. The requesting law enforcement personnel must complete the Law Enforcement Officer Request for Disclosure Form.
7. An individual who wishes to access personal information collected by a Video Recording system must submit a Freedom of Information request to the Office of the City Clerk.

4.6. Custody and Control

1. In accordance with security responsibilities outlined in Ontario Regulation 823, Video Recording systems must be designed to ensure the security of the personal information they are intended to capture and store. Records produced by Video Recording must be managed appropriately to ensure that they are protected from: unauthorized access; inadvertent disclosure, destruction, or damage.

2. The City must maintain control of and responsibility for the Video Recording systems and information collected through the systems at all times.
3. Video Recording systems and storage devices must be kept in secure locations that are only accessible to Authorized Representatives. Access logs must be kept of all instances of access to and use of recorded material.
4. Data Storage Devices that have been used shall be catalogued.

5.0 Records Management, Retention and Disposition

1. Personal information collected, that is not required in response to an incident, should be erased or recorded over as soon as practicable to reduce the potential for unwanted disclosure.
2. Information in the form of footage or images captured via Video Recording systems that have been used, for investigations, claims and/or litigation or Freedom of Information requests, shall be retained in accordance Records Retention By-law 12-156 and the most current Records Retention Schedule. This is a minimum period, and other operation or legal considerations may require a longer retention period.
3. If information is part of a Legal process, it shall not be destroyed. For any recorded information that becomes part of a claim or legal process, custody shifts to Authorized Representatives, Corporate Lead, Program Leads and/or Legal Services.
4. The destruction of official records shall comply with the principles identified in Section 6 of By-law 12-156.

Data Storage Devices will be disposed of in accordance with applicable technology asset disposal processes, ensuring personal information is erased prior to disposal and cannot be retrieved or reconstructed. Disposal methods will include secure shredding, burning, erasing, overwriting, and the physical destruction of hard drives, depending on the type of storage device. The City of Peterborough's Information Technology Policy, and specifically the procedure for Data Backup, Recover, and Removal will be adhered to. This procedure requires that data destruction processes must be compliant with either Canada RCMP TSSIT OPS-II, or American Department of Defense (DoD) 5220-22.M.

6.0 Privacy Risk Management

The City is committed to protecting the Personal Information in its custody and control, and implementing necessary measures to minimize the risk of Privacy Breaches. In the event of a Privacy Breach, the City has in place a Privacy Breach Protocol, to ensure that any inappropriate collection, use, disclosure, retention, or disposal of Personal Information is addressed in a timely and efficient manner.

Any employee having knowledge of a potential Privacy Breach must immediately inform the Program Lead or their Manager and contact the City Clerk.

6.1 Training

This Policy and IPC guidelines will be incorporated into training and orientation programs of the City as required. Authorized Representatives shall receive training specific to the operational, security and privacy aspects of the program of Video Recording being undertaken in their Division/Department. Further, staff from the City Clerk's Office provide general training on corporate records management and access and privacy to all City Staff. The Program Lead is responsible for ensuring that all Authorized Representatives in their program area receive appropriate training.

6.2 Audit

A log will be kept of all actions relating to the collection, use, disclosure, retention, correction, copying or disposal of Personal Information, that being footage and images captured through Video Recording activities. Program Leads will ensure that for each Video Recording activity, a log is kept, to enable a proper audit trail. Maintain audit logs consistent with By-law 12-156, which provides for a schedule of retention periods for records.

Staff from the City Clerk's Office will perform annual audits on all programs of Video Recording being undertaken by City Divisions/Departments, to ensure that Personal Information is only being collected, accessed, used, retained, disclosed, secured and disposed of in a manner that is consistent with the Policy and **MFIPPA**.

Further, staff from the City Clerk's Office will conduct periodic reviews to ensure that Personal Information is properly managed throughout its life cycle.

Any deficiencies or concerns identified will be addressed and corrected and any revisions will be added to the relevant Video Recording Procedure.

7.0 Appendix, Related Documents & Links

Note: All references refer to the current version, as may be amended from time to time.

7.1. Pertinent Resources:

- Canadian Charter of Rights and Freedoms
<https://laws-lois.justice.gc.ca/eng/const/page-12.html>
- IPC Guidelines for the Use of Video Surveillance October 2015
https://www.ipc.on.ca/wp-content/uploads/Resources/2015_Guidelines_Surveillance.pdf
- IPC Privacy Breaches – Guidelines for the Use of Video Surveillance September 2019
<https://www.ipc.on.ca/wp-content/uploads/2019/09/privacy-breach-protocol-e.pdf>
- IPC Technology Fact Sheet – Video Surveillance November 2016
<https://www.ipc.on.ca/resource/fact-sheet-video-surveillance/>
- Municipal Freedom of Information and Protection of Privacy Act
<https://www.ontario.ca/laws/statute/90m56#BK50>
- Ontario Human Rights Code
<https://www.ontario.ca/laws/statute/90h19>
- Record Retention By-law 12-156

7.2. Related Policies:

- Information Technology Policy

7.3. Related Procedures:

- N/A

7.4. Related Forms:

- Law Enforcement Officer Request for Disclosure Form
- Freedom of Information and Protection of Privacy Act Request Form
- City of Peterborough Privacy Impact Assessment Template

7.5. Miscellaneous:

- N/A

8.0 Amendments/Reviews

Date (yyyy-mm-dd)	Section # Amended	Comments
2020-12-14		Revision #1 – Policy Title has changed from Video Surveillance Policy to Video Recording Policy. Previous version has been moved into the current Policy Template. The scope of the previous Policy has been broadened.
2021-12-01		Revision #2 – No changes were made to the content of the Policy. Links and references in Section 5.1 – Pertinent Resources have been updated. Policy document format has been updated to become compliant with the Accessibility for Ontarians with Disabilities Act (AODA) Regulation 191/11 Integrated Accessibility Standards.

Next Review Date:	2025-12-01
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