

Policy Statement

1. The City of Owen Sound (the "City") is responsible for ensuring the safety of individuals and the security of equipment and property within the scope of the services that the City provides. Video surveillance systems are a useful tool to accomplish the above goals. The City recognizes that video surveillance systems have a high potential for infringing upon an individual's right to privacy and that, although video surveillance systems may be required for legitimate operational purposes, their use must be undertaken in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and aligned with the Information and Privacy Commissioner ("IPC") Guidelines for the Use of Video Surveillance.

Purpose

2. The purpose of this policy is to establish parameters for a video surveillance program that recognizes an individual's right to privacy and that aims to: enhance the safety and security of employees, the public, and corporate assets; prevent unauthorized activities on or involving City property; and reduce risk and liability exposures for the City.

Scope

3. This policy applies to:
 - a. all City of Owen Sound officers, employees, and agents;
 - b. contractors and service providers and their employees who may work with or operate video surveillance equipment for the City; and
 - c. all video surveillance equipment in the care and control of the City that is located in or at City properties and facilities.
4. This policy does not apply to:
 - a. Video or audio recordings of council or committee meetings; or
 - b. Covert surveillance used as an investigation tool for law enforcement purposes or in contemplation of litigation.

Definitions

5. For the purposes of this policy,

“Agent” means a person acting on behalf of the City;

“Authorized User(s)” means City employees who have been approved by the Manager of Corporate Services, or their designate, in consultation with the Manager of IT and the City Clerk, or their designates, to operate video surveillance equipment and who have received training consistent with the requirements of this policy;

“City” means the City of Owen Sound, and a reference to the City is a reference to the geographical area or The Corporation of the City of Owen Sound as the context requires;

“Consistent purpose” means use of personal information in manner that the individual to whom the information relates might reasonably have expected in the circumstances;

“Director” means the City Manager, the Director of Community Services, the Director of Corporate Services, the Director of Public Works & Engineering, the Fire Chief, the Chief Curator, or any one of the above, and any designates thereof;

“Employee” means City of Owen Sound full-time employees, part-time employees, casual employees, contract employees, interns, co-op students, and volunteers.

“Freedom of Information process” means a formal request for access to records made under MFIPPA;

“Incident” means events or allegations of inappropriate behaviour which would be in violation of law or of a by-law, policy or procedure relating to employee or public conduct;

“Manager” means an employee who is responsible for a City division and includes employees who supervise and manage other employees;

“Officer” means a person holding a position of authority within the City, regardless of whether they are an employee;

“Personal information” means 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 video surveillance information displays these characteristics of an identifiable individual or the activities in which he or she engages, its contents shall be considered “personal information” in accordance with MFIPPA;

“Privacy breach” means an incident involving unauthorized disclosure of personal information, including it being stolen, lost or accessed by unauthorized persons;

“Record” means 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;

“Video surveillance equipment” means a video, physical or other mechanical electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals;

“Video surveillance record” means a record of video surveillance information created from the City’s video surveillance equipment.

Policy

Video surveillance equipment

6. Video surveillance equipment will only be installed based on: verifiable reports of incidents of crime; significant safety concerns; or for crime prevention.
7. Video surveillance equipment will only be installed in identified areas where video surveillance is a necessary and viable detection or deterrence tool.
8. Video surveillance equipment will not be installed in or capture recordings of areas where the public and employees have a reasonable expectation of privacy, such as washrooms or change rooms.
9. Video surveillance equipment will be used passively for surveillance purposes (meaning the equipment will not be panned or zoomed remotely) to prohibit the viewing of locations not intended to be monitored.

Responsibility

10. The City Manager and Directors will:
 - a. provide oversight and compliance with the policy by all City employees;
 - b. communicate this policy broadly to all employees in their departments;
 - c. determine the reason for implementation of video surveillance equipment;
 - d. ensure internal requests for records are necessary for the performance of the requester’s duties in the discharge of their functions; and

- e. delegate and assign responsibility regarding who will act on their behalf in following procedures related to this policy in their absence.
11. The Manager of Information Technology, or their designate, will:
- a. document the reason for implementation of video surveillance equipment;
 - b. determine and document the location of video surveillance equipment, description of the viewing area and times when video surveillance will be in effect;
 - c. determine the suitable location(s) for mandatory public notice signage that will provide reasonable and adequate warning that video surveillance is or may be in operation in a particular location;
 - d. in consultation with the City Clerk, determine and document the Authorized User(s) for particular video surveillance equipment and ensure they are trained on its use and their responsibilities under this policy;
 - e. assess equipment and system requirements and make necessary arrangements for purchase and installation;
 - f. inspect video surveillance equipment on a standard schedule and maintain an inspection log;
 - g. determine and document the corporate video surveillance inventory;
 - h. undertake the decommissioning/destruction of video surveillance equipment in a manner that ensures personal information collected by the equipment cannot be retrieved or reconstructed except as authorized by this policy; and
 - i. take all reasonable precautions to ensure that video surveillance equipment is secure and that unauthorized individuals are prohibited from reviewing or accessing information.
12. The City Clerk, or their designate, will:
- a. ensure the reasons for proposed video surveillance equipment are consistent with the IPC Guidelines for the Use of Video Surveillance;
 - b. identify potential privacy risks;
 - c. assist staff to identify appropriate locations for video surveillance equipment and signage;
 - d. conduct audits, as required, to ensure access to video surveillance information complies with this policy and MFIPPA;

- e. respond to all requests for information obtained through video surveillance equipment, and where appropriate, create video surveillance records;
 - f. ensure compliance with retention periods applicable to video surveillance records;
 - g. notify the IPC in the event of a privacy breach, where appropriate; and
 - h. respond to appeals and privacy complaints received through the IPC.
13. Employees will:
- a. refer any external requests for access to or copies of video surveillance information to the City Clerk or their designate;
 - b. refer any internal requests for access to or copies of video surveillance information to their Director or the City Manager for authorization;
 - c. report to their manager or supervisor any suspected privacy breaches; and
 - d. report to their manager or supervisor any problems with video surveillance equipment.

Notice

14. Signs providing notice of video surveillance shall be posted at public access points for all areas under video surveillance.
15. Video surveillance signage shall clearly indicate that video surveillance is taking place and shall provide information in accordance with s. 29(2) of MFIPPA about:
- a. the legal authority for the program;
 - b. the principal purpose of the program; and
 - c. contact details for further information.

Access to video surveillance information

16. All persons who have access to information collected from the City's video surveillance equipment in the execution of their duties for the City must do so in accordance with the City's Confidentiality Policy.
17. The information collected through video surveillance shall be used only for the purposes of:
- a. investigations of incidents involving the safety or security of people, facilities, or assets;
 - b. providing evidence as required to protect the City's legal rights;

- c. responding to a request for information under MFIPPA;
 - d. investigating an incident or allegation of employee misconduct;
 - e. investigating an incident involving an insurance claim; or
 - f. a consistent purpose.
18. The right to create or view video surveillance records is strictly limited and must be undertaken as follows:
- a. Public requests: Records related to public requests for disclosure shall be created by the City Clerk, or their designate, upon a written request made through the freedom of information (MFIPPA) process. Access to these records may depend on whether there is an unjustified invasion of another individual's privacy and whether any exempt information can be reasonably severed from the record.
 - b. Internal requests:
 - i. Records related to investigations involving the safety or security of people, facilities, or assets, shall be created by the City Clerk, or their designate, upon authorization by a Director or the City Manager.
 - ii. Records related to employee misconduct investigations shall be created by the City Clerk, or their designate, upon authorization by the City Manager.
 - c. Law enforcement requests - Records related to a law enforcement investigation shall be created by the City Clerk, or their designate, in accordance with s. 32(g) of MFIPPA, when there are reasonable grounds to believe that an unlawful activity has occurred and been captured by video surveillance equipment. These requests shall be made in writing using the form in effect at the time of the request.
19. Requests for video surveillance records and release of video surveillance records shall be recorded in the Video Surveillance Request Log by the City Clerk, or their designate, which log shall include the following:
- a. date of request;
 - b. identity of the requester (who is authorizing the request) and of the recipient (who is being authorized to view the record);
 - c. date, time, description of event including camera location;
 - d. reason for the request;
 - e. method of access (view record/receive copy);

- f. date the record was viewed/received.
- 20. Where a police investigation, related to an emergency situation is underway – meaning there is a genuine, immediate risk to health, life or property – access to video surveillance by law enforcement may be expedited by Authorized Users in accordance with the standard operating procedure (SOP) that is in effect at the time of the occurrence.
- 21. Live viewing will be restricted to time periods and locations where there is a demonstrably higher likelihood of safety and security concerns involving employees, the public or corporate assets, or the commission of unauthorized activity in the area under surveillance.
- 22. Live viewing monitors will be located in areas not accessible by the public and turned off when not in use.
- 23. Sound/audio will only be included in video surveillance records where it is pertinent to the purpose for creating the record.

Records retention

- 24. Video surveillance information that is not the subject of an authorized request for access will be considered transitory and will be automatically erased by the system in accordance with the City's records retention schedule.
- 25. A video surveillance record is subject to retention in accordance with the City's records retention schedule.

Breach of policy

- 26. Employees may be subject to criminal charges, civil liability, and/or discipline, including but not limited to termination, for a breach of this policy, or provisions of MFIPPA or other relevant statutes.

Policy review

- 27. The Manager of Corporate Services, or their designate; the City Clerk, or their designate; and the Manager of Information Technology, or their designate, will collectively review this policy:
 - a. Every other year to ensure effectiveness and compliance with current business processes; or
 - a. sooner, if required, based on legislative changes.
- 28.** The City Clerk is authorized to make such administrative changes to this policy as appropriate to keep the policy current. Any revision to the policy's intent must be presented to Council for consideration.

Related Information and Resources

Internal

29. [Confidentiality Policy](#)
30. [Release of record to law enforcement agency](#)
31. [Records and Information Management AF002](#)
32. Authorized User Log
33. Existing Video Surveillance Equipment and Location Justification Log
34. Maintenance Log
35. Video Surveillance Inventory

External

36. [Municipal Freedom of Information and Protection of Privacy Act](#)
37. [IPC Guidelines for the Use of Video Surveillance](#)
38. [IPC Fact Sheet Disclosure of Personal Information to Law Enforcement](#)

Appendices

39. [Sample Signage](#)

Revision History

Authority	Date	Approval	Description of Amendment
Council	2021-03-01	By-law 2021-022	
Council	2022-01-24	By-law 2022-012	Remove emergency procedures; add admin provision
Administration	2022-01-25	City Clerk	Amend staff titles
Administration	2022-12-19	City Clerk	Amend staff titles
Administration	2023-01-30	City Clerk	Amend Appendix B
Administration	2023-12-11	City Clerk	New template, updated definitions, and responsibilities
Administration	2024-09-23	City Clerk	Updated retention to reflect various cameras.

Authority	Date	Approval	Description of Amendment
Administration	2024-12-03	City Clerk	Redistribution of the Manager of Corporate Services' responsibilities to other staff. Added link to sample signage.
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