

Municipality of West Elgin

Schedule "A" to By-Law #2023-99

Policy HR-4.3 Security Camera Policy

Effective Date: **November 9, 2023**

Review Date:

Policy Statement

To provide a policy for Digital Recording Surveillance System Usage for all Municipally owned and operated vehicles.

Purpose

The installation of Digital Recording Surveillance Systems in vehicles, is meant to assist in the collection of information related to the safety and security of workers, customers and property, and to assist with the investigation of unlawful activities, accidents, claims or potential claims involving the Municipality or its contracted service providers, including investigations into inappropriate behaviour which potentially violates Municipal policies.

The Municipality recognizes the need to balance the right to privacy of individuals whose images and voices are captured on digital recordings made by the digital recording surveillance system with the need to provide for the safety and security of workers, customers, and property, to detect and deter unlawful and/or inappropriate behaviour/actions and to assist with Internal Investigations.

Vehicles equipped with digital recording surveillance systems display a written notice informing customers of the use of this equipment consistent with Section 29 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Definitions

"Authorized Personnel" means Municipal staff and staff of contracted service providers designated by the CAO, directed to gain access to Digital Recording Camera Devices and to undertake one or more of the following functions: to retrieve, download, view, secure, copy and distribute Digital Recordings.

"Digital Recording Surveillance System" means audio/visual surveillance equipment capable of recording images and sound in a digital format used on buses.

"Digital Recording(s)" means the data (audio and video) created and stored as a result of the use of the Digital Recording Surveillance System.

"Digital Recording Release Form" means the form to be completed for the release of Digital Recordings.

"MFIPPA" means Municipal Freedom of Information and Protection of Privacy Act.

"Internal Investigation" means an investigation undertaken by the Municipality.

Scope of Use

The following are guidelines recognizing that any use of Digital Recordings must not be inconsistent with existing employment policies and agreements in place with employees and contracted service providers and not contrary to law including privacy legislation. The Municipality installs Digital Recording Surveillance Systems and uses the Digital Recordings generated by this equipment to:

- Enhance the safety and security of employees and customers and assist Law Enforcement in conducting investigations of breaches of law.
- Safeguard public transit assets, by assisting in efforts to reduce vandalism and protect against the theft and/or destruction of property.
- Investigate and evaluate claims that may be or have been made involving the Municipality or its contracted service providers, including potential or actual claims in respect of a workplace incident and, in the case of an employee who reports that he/she was injured at work, to review and as necessary, forward Digital Recordings to adjudicators, regarding the workplace injury.
- Assist the Municipality in substantiating and making claims against others.
- Limit loss due to fraud, theft or breaches of operational procedures and/or policies.
- Investigate, where the Municipality reasonably believes that improper conduct or behaviour on the part of a transit operator may have been captured by the Digital Recording Surveillance System, considering first the feasibility and effectiveness of undertaking alternative investigation measures before viewing the digital recording generated by the system and having concluded that viewing the digital recording as part of and/or in addition to alternative investigation measures is necessary for the Internal Investigation to proceed in an efficient manner.

Where inappropriate conduct or behaviour on the part of a transit operator or passenger has been captured on a digital recording camera and is observed by authorized personnel, the Municipality may use the digital recording as part of an Internal Investigation into the observed improper conduct or behaviour.

The Municipality will not use the Digital Recordings to:

- Monitor the work performance of a transit operator in real time.
- Discover improper conduct or behaviour on the part of an employee, unless a digital recording is being viewed as part of an Internal Investigation.

Installation and Notice of Digital Recording Surveillance Systems

Digital Recording Surveillance Systems that are installed in all Municipality of West Elgin vehicles are placed in overt locations for easy recognition by the public and are accompanied by signage alerting the public, employees and others of the presence of such equipment.

Procedures for Securing, Retaining, Disseminating & Erasing Digital Recordings

Images captured by the Digital Recording Cameras are retained by the onboard memory device for approximately 10 days (or less depending upon the amount of use of the vehicle) and then automatically recorded.

Securing Images

The downloading of information from the on-board recording devices to a computer system under the ownership of the Municipality or its contracted service provider only occurs when:

1. An incident occurs, such as an accident, requiring investigation.
2. A complaint or request is received by the Municipality from the public or police in which case the responsive data will be downloaded and used to resolve the complaint or request, subject to the limits of any privacy legislation, policy, or other applicable restrictions.

A log shall be kept of all downloads for whatever reason. Only the General Manager, Infrastructure and Engineering Services or Authorized Personnel so designated are permitted to retrieve Digital Recordings.

All Authorized Personnel shall receive training on the security, retention, protection and use of Digital Recordings, this policy and all applicable privacy legislation annually and a log shall be kept indicating the name and date that each Authorized Personnel received such training.

Retaining Images

Investigation files containing a copy of the incident download and a copy of the incident occurrence documents will be kept by the Municipality for a maximum period of one year or for such longer period as is required by the Municipality for investigation/resolution/adjudication, or as required by law, including the Municipality's records retention by-law, where applicable. Where an investigation file contains download disks, a chain of custody will be recorded.

Authorized Personnel will view each disk after it is made to ensure the images are properly recorded.

Authorized Personnel will keep a log indicating the time a task involved with downloading or viewing the record was completed as well as who completed the task.

When the applicable retention period has expired, Authorized Personnel will dispose of the records in a secure manner. This includes record keeping of the destruction and destruction by shredding or other comparable processes.

Auditing of access, downloading and viewing digital recordings shall occur at least once annually. Any unauthorized access, downloading or viewing of the records revealed during an audit may be grounds for progressive discipline of employees up to and including termination.

Training and Authorization of Designated Personnel

All personnel who fulfill a role as designated above shall have training prior to performing related duties. The training will address this policy, the Privacy policy of the Municipality, the specific expectations of the individual and the consequences of failing to meet these

expectations (noting the consequences include corrective action and disciplinary measures up to and including termination).

Dissemination/Disclosure of Digital Recordings

Disclosure of Digital Recordings within the Municipality shall only occur to person(s) who require the Digital Recordings in the performance of their duties and are authorized to receive such disclosed Digital Recordings.

Disclosure of Digital Recordings outside of the Municipality shall occur in conformance with applicable privacy legislation including but not limited to the Municipal Freedom of Information and Protection of Privacy Act.

Requests by law enforcement must be in writing to the Municipal Clerk, either by means of written or emailed requests, with such written requests containing the following information:

- date and approximate time of the incident giving rise to the request
- license plate number
- location(s) of incident
- description of the issue, suspect, vehicle, etc. being sought
- officer badge number (person making the request)
- Law enforcement occurrence number (if applicable)

The Clerk will authorize the release of Digital Recordings under section 8, Law Enforcement of the Municipal Freedom, and Protection of Privacy Act (MFIPPA). The Municipality shall log the release date and time, and the name of the employee who released the recording.

If at any time there is unintended or improper disclosure of personal information contained in Digital Recordings, the employee that discovers the improper disclosure will immediately notify the CAO who will undertake such remedial action as he deems appropriate. The employee that discovers the improper disclosure shall also immediately notify the Clerk of the Municipality.

Only an authorized contractor, as approved by the Municipality, will be given access to effect repairs, conduct routine maintenance, and provide for hardware replacement or address warranty issues. All replaced hard drives will be returned to the Municipality for disposal.

Individuals who are not Authorized Personnel shall not have access to Camera Recording Devices or Digital Recordings made by this equipment without first receiving the approval of the CAO or designate.

The Digital Recording Cameras and Digital Recordings generated by said equipment are the property of the Municipality. The Municipality retains custody and control of all Digital Recordings unless disclosed in conformance with this policy.

Digital recordings may also be subject to disclosure to third parties in conformance with the law.