

Administration	Buildings & Capital Assets	Board Approved Date:	21-02-24
Policy	Video Surveillance	Revision Date:	N/A
Policy No.	20-094	Internally Approved Date:	21-02-12
References	Municipal Freedom of Information and Protection of Privacy Act Freedom of Information and Protection of Privacy Act Personal Information Protection and Electronic Documents Act Housing Services Act, 2011 Contract Clauses		
Forms	Release of Personal Information Record Keeping Log Destruction of Video Surveillance Notification of Video Surveillance		

1. Policy statement

Video security surveillance systems are used by DRNPHC at selected locations within the management jurisdiction of DRNPHC for the purpose of increasing the safety and security of tenants, staff and members of the public, to protect public safety, our corporate assets and property and to detect and deter criminal activity and vandalism.

2. Purpose

It is the policy of DRNPHC to utilize video surveillance as necessary in accordance with this Corporate Policy - Video Surveillance Systems (the "policy"). Video security surveillance systems are a resource used by DRNPHC at selected sites within the management jurisdiction of DRNPHC for the purpose of increasing the safety and security of tenants, staff and members of the public, to protect public safety, our corporate assets and property and to detect and deter criminal activity and vandalism.

DRNPHC is authorized to conduct video surveillance under Section 28(2) of the *Municipal Freedom of Information and Protection of Privacy Act* (MFOIPPA) or Section 38(2) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), as applicable. DRNPHC recognizes that video surveillance technology has the potential for infringing upon an individual's right to privacy and although video surveillance technology may be required for legitimate operational purposes; its use must be in accordance with the provisions of MFOIPPA or FOIPPA, as applicable, and any other applicable privacy laws.

This policy does not require or guarantee that a camera or recording equipment will be recording or monitored in real time at all times.

3. Scope

This policy applies to all employees of DRNPHC involved in the operation of this video surveillance program. These employees have been trained on this policy and their statutory obligations in performing their duties and functions related to the operation of the video surveillance system and DRNPHC's video surveillance program.

DRNPHC employees may be subject to discipline if they breach this policy or applicable privacy laws.

4. Definitions

Designated staff

The staff person(s) or department who has been designated to complete a particular action or requirement.

Personal information

Information as collected by DRNPHC pursuant to this policy means recorded information about an identifiable individual. If a video surveillance system displays such characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information."

5. Procedure

a) Collection, use and disclosure

Personal information collected by DRNPHC pursuant to this policy will be recorded and will only be used for the purposes set out herein, or as may otherwise be permitted or required by law. For example, personal information may be disclosed to the police or other law enforcement agencies in Canada to aid an investigation. In the event of a reported or observed incident, the review of recorded information may be used to assist in the investigation of the incident with management approval.

Disclosure of storage devices should be made to authorities only upon the presentation by the authorities of lawful reason for disclosure and a written request. Lawful reasons may include:

- the law enforcement agency approaches DRNPHC with a warrant requiring the disclosure of the footage, as per section 42(1)(e) of FIPPA and section 32(e) of MFIPPA
- the law enforcement agency approaches DRNPHC, without a warrant, and asks that you disclose the footage to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA
- DRNPHC staff observe an illegal activity on our premises and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA

In all instances where video footage is disclosed to lawful authorities' staff are required to document the name of the individual(s) who took the storage device, under what legal authority, the date and whether the storage device will be returned or destroyed after its use by the authorities.

b) Protecting personal information

Personal information collected by DRNPHC is protected to avoid unauthorized access. Access to the storage devices where recorded personal information is retained is only permitted by personnel authorized in accordance with this policy. Systems are password protected.

c) Access

The personal information recorded by video surveillance is subject to freedom of information and privacy laws. Individuals have the right to access the personal information DRNPHC holds relating to them, including on video recordings. Individuals may request access by contacting the Director, Tenant Housing Services at 905-436-6610 or via email at drnphc@durham-housing.com. Requests for access may be denied in certain circumstances as set out in MFIPPA and FOIPPA, including where disclosure would interfere with a law enforcement matter or investigation or unjustifiably invade another person's privacy.

When disclosing recordings to individuals who are in them, information about any other identifiable individuals must not be shown. This could be done through using technology to hide identity on the video.

d) Retention

Personal information will only be retained as long as necessary to fulfill the purposes for which it was collected pursuant to this policy, or as otherwise permitted or required by law.

Personal information that has been viewed for law enforcement and public safety purposes must be retained for a certain period thereafter (the requirement is one year in accordance with Section 5 of Ontario Regulation 823 under MFOIPPA unless a shorter retention period is specified by law).

e) Disposal

Old storage devices/computer equipment will be securely disposed of in a way that the personal information cannot be reconstructed or retrieved. They may include shredding, burning, magnetically erasing or deleting files/personal information using third party software from the hard drive. Several holes will be drilled into the hard drive to make the device unreadable as per the *Security Policy*.

f) Breach

In the event of a collection, use, disclosure or retention in violation of applicable privacy laws, DRNPHC will comply with all recommendations of the Office of the Information and Privacy Commissioner of Ontario in responding to breaches. The Privacy Officer will respond to any inadvertent disclosures of personal information. Any breach of the Acts will be reported to the board of directors.

g) Training

This policy and any related processes or guidelines must be incorporated into training and orientation programs of DRNPHC. Training programs addressing staff obligations under the relevant legislation shall be conducted as necessary.

DRNPHC staff and service providers are required to review and comply with this policy and applicable privacy laws in performing their obligations related to the video surveillance system.

DRNPHC staff that violates this policy or applicable privacy laws may be subject to discipline.

h) Designated responsibilities

DRNPHC will maintain control of and responsibility for the video surveillance system on its premises at all times.

DRNPHC's COO is responsible for the compliance with applicable privacy laws and this policy.

DRNPHC's Director, Building & Capital Assets is responsible for ensuring the establishment of procedures for video surveillance equipment, in accordance with this policy and any legal requirements.

DRNPHC's Director, Building & Capital Assets is further responsible for the life-cycle management of authorized video security surveillance systems, specifications, equipment standards, installation, maintenance, replacement, disposal and related requirements (e.g. signage), including:

- documenting the reason for implementation of a video surveillance system at the designated area
- maintaining a policy regarding the locations of the reception equipment
- maintaining a list of personnel who are authorized to operate the systems and access any recordings, including the circumstances under which access is permitted. Logs must be kept of any access to such recordings
- maintaining a record of the times when video surveillance will be in effect
- assigning a person responsible for the day-to-day operation of the system in accordance with policies, procedures and direction/guidance that may be issued from time-to-time
- Installation and placement

When using video surveillance equipment, DRNPHC will comply with the following:

- The use of each video surveillance camera should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns or for crime prevention. Video cameras should only be installed in identified public areas where video surveillance is necessary to protect public safety, corporate assets and property, including detecting and deterring criminal activity and vandalism.
- Privacy intrusion should be minimized to that which is absolutely necessary to achieve DRNPHC's required, lawful goals.
- Equipment to monitor video surveillance will be installed in a strictly controlled access area. Only personnel authorized under this policy may access to the equipment. Monitors showing personal information captured by the video surveillance equipment will not be located in a way that that enables the public to view it.
- Equipment will be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance. Video surveillance equipment will never monitor the inside of areas where the public or

employees have a higher expectation of privacy such as change rooms and washrooms. Equipment should not be focused on individuals' doors or through windows or through windows of neighbouring buildings.

- Adjustment of the camera position will be restricted, if possible, to ensure only designated areas are being monitored.

i) Audit of surveillance policy and practices

DRNPHC will ensure that the use and security of its video surveillance program and equipment is subject to regular audits, at least once a year, to address compliance with this policy and applicable laws. The audit will also include a review of whether ongoing video surveillance is justified based on the requirements set out in this policy. Any deficiencies or concerns identified by the audit will be addressed immediately.

DRNPHC staff will be made aware that their activities are subject to the audit and that they may be called upon to justify their surveillance.

Any questions or concerns related to the DRNPHC's handling of personal information collected through video surveillance can be directed to:

Director, Tenant & Housing Services
28A Albert Street, Oshawa, ON
905-436-6610

j) Notification

The public must be notified of the existence of video surveillance equipment by clearly written signs prominently displayed at the entrances, exterior walls, and interior of buildings and/or perimeter of the video surveillance areas. Signage must inform individuals 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 the appropriate contact the Director, Tenant & Housing Services, privacy officer, at DRNPHC in order to answer questions about its personal information management practices.

End.