

ADMINISTRATION MANUAL

SUBJECT:	Video Surveillance	POLICY/PROCEDURE #: G-27
SECTION:	Housing Operations	
IMPLEMENTATION DATE:	February 2014	APPROVED BY: General Manager
REVISION DATE(S): REASON FOR CHANGE:		SIGNATURE: <i>Original Signed by Lora Beckwith, General Manager</i>
RELEVANT LEGISLATION:	Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)	

PURPOSE

To clarify the circumstances and manner in which video surveillance equipment will be used in Niagara Regional Housing (NRH) owned units in order to balance the safety of NRH communities with tenants' right to individual privacy.

DEFINITIONS

Personal information - is defined in section 2 of **MFIPPA** as 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 a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the Act.

Record - means 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.

Video Surveillance Equipment - refers to a video, physical or other mechanical, electronic, digital or wireless surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces.

Storage Device - refers to a recordable hard drive, CD ROM, or flash drive or other device used to store the recorded data or visual, or other images captured by a video surveillance system.

POLICY

Niagara Regional Housing (NRH) will use the **Information and Privacy Commissioner's Guidelines for the Use of Video Surveillance Cameras in Public Places** in its practices related to the collection, use, retention, disclosure and disposal of any information received from video surveillance and any surveillance recordings. The use of all surveillance equipment, monitors and storage devices that have been or will be installed by NRH must be in accordance with the **Municipal Freedom of Information and Protection of Privacy Act** (MFIPPA) .

Video surveillance equipment may be used in selected NRH communities in order to:

- Protect the safety of tenants
- Protect NRH assets
- Detect and deter criminal activity and vandalism

PROCEDURE

Designated NRH Staff Responsibilities

NRH Property Administrators (PAs) are responsible for video surveillance equipment in their communities according to the following:

Installation and Placement

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

- The use of each video surveillance camera must be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns or for crime prevention. Video cameras will only be installed in identified public areas (ex. entrances, hallways etc.) where video surveillance is necessary to protect public safety, corporate assets and property, including detecting and deterring criminal activity and vandalism.
- 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.**
- Video surveillance monitoring equipment must be installed in a strictly controlled (locked or caged) access area. Access to the surveillance equipment, monitoring equipment and surveillance records will be authorized by this policy alone.
- 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.

- The Property Administrator must authorize and document the removal of any surveillance records out of storage or monitoring area.
- 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 (*see Appendix G-27-A*). 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 at NRH in order to answer questions about its personal information management practices.

Collection, use and disclosure

PAs can review or disclose the personal information collected by NRH through video surveillance only for specific purposes including:

- To aid NRH staff in the investigation of a reported or observed incident
- To aid police or other law enforcement agencies in Canada in an investigation according to NRH Policy C-16 (*"Information Access and Privacy Protection"*)

Disclosure of Surveillance Records to Law Enforcement

Disclosure of storage devices should be made to authorities only upon the presentation by the authorities of a warrant, court order, Release of Personal Information form or NRH Law Enforcement Information Request form (*C-16-B and C-16-C*), which set out 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.

All law enforcement reviews of surveillance records must be reported to the Manager of Housing Operations for documentation purposes. The Niagara Regional Access and Privacy Unit will review this record after the first year of this policy and then according to the policy review schedule in Policy A-1 (*Procedures for the Development and Updating of Policies and Procedures*).

Individual Access to Personal Information

Under MFIPPA individuals have a right to access their own personal information that has been collected through video surveillance. Individuals may request access by contacting NRH according to Policy C-16. Access to personal information may be denied on the grounds that it will interfere with an ongoing law enforcement investigation or would invade another person's privacy.

Retention and Disposal

In order to ensure the protection of personal information, surveillance records will remain in the same secure location (locked office/cage, storage facility or maintenance room) as the surveillance equipment. The equipment is password protected and is accessible only

by the Property Administrator or Custodian. Any time the records are accessed the person accessing the records will log who, when, how the records were used and how and when they will be destroyed. Records must be accessed only when required (ex. law enforcement request, privacy complaint, Freedom of Information (FOI) request, employee disciplinary action) This log will be included in NRH Health and Safety checks.

Personal information that has not been viewed for law enforcement or public safety purposes should be erased no more than one week after recording. Systems record on the hard drive which automatically erases prior recordings.

Personal information that has been viewed for law enforcement and public safety purposes must be retained for one year in Yardi in accordance with Section 5 of Ontario Regulation 823 under MFIPPA unless a shorter retention period is specified.

All storage devices/computer equipment that contain personal information must be disposed of in a way that ensures the personal information cannot be reconstructed or retrieved (**ie "wiped clean"**) through the process established by Niagara Region Information Technology.

Privacy Breach

In the event there is a breach of personal privacy at any stage of the collection, use, retention or disposal process the PA must inform the Senior Property Administrator (Sr. PA), who will inform the Manager of Housing Operations, who will consult with the Regional Privacy Analyst to determine next steps.

The Manager of Housing Operations is responsible for ensuring that staff are in compliance with this policy and MFIPPA and that the appropriate record keeping takes place throughout the life cycle of the video surveillance systems. Due to the serious nature of personal privacy staff who violate this policy or applicable privacy laws may be subject to discipline.

Audit of surveillance policy and practices

In order to ensure compliance with this policy an audit of the video surveillance system will be conducted annually. At this time the location of video surveillance should also be re-evaluated to ensure its use continues to be justified.

SUPPORTING FORMS:

G-27-A - Video Surveillance Sign
C-16-B - Release of Personal Information Form
C-16-C - Law Enforcement Request Form

RELATED POLICIES:

A-1-Procedures for the Development and Updating of Policies and Procedures
C-16 - Information Access and Privacy Protection