

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2013-61

"A BY-LAW TO ADOPT A VIDEO SURVEILLANCE POLICY"

WHEREAS Municipal Council deems it advisable to adopt a policy with respect to video surveillance systems in municipally owned or operated buildings and open spaces;

NOW THEREFORE: The Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. The Video Surveillance Policy attached hereto as Schedule "A" and forming part of the by-law is hereby adopted.
2. That this by-law will come into force and take effect on its passing.

By-law passed, signed, and sealed in open Council this 25th day of November, 2013.



Mayor



Clerk

Schedule 'A'
By-law 2013 - 61

Township of Edwardsburgh/Cardinal Video Surveillance Policy

Purpose

The Corporation of the Township of Edwardsburgh/Cardinal is committed to public safety, crime prevention, and stewardship of publicly owned assets.

Where warranted, the Township may use video surveillance systems in municipally owned or operated buildings and open spaces to deter and detect crime and anti-social behavior such as theft, vandalism, and unauthorized entry.

The Township shall maintain control of and responsibility for its video surveillance systems at all times.

This policy and these procedures are intended to act as guidelines for the use of video surveillance systems in the Township of Edwardsburgh/Cardinal's facilities, in accordance with the dispositions and regulations set out in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 (hereafter referred to as "MFIPPA").

Procedure

Collection and Disclosure of Personal Information

"Personal Information" as collected by the Township pursuant to this Policy means recorded information about an identifiable individual, including, but not limited to, information relating to an individual's race, colour, national or ethnic origin, sex, or age. 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".

- (a) Personal Information collected by the Township 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.
- (b) Disclosure of storage devices should be made to authorities only upon the presentation by the authorities of a warrant or court order for the same and upon completion of a form setting 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.

- (c) Storage devices containing personal Information may be shared with third party service providers who have a need to access such information and only upon them entering into an agreement to keep such information confidential and handling the personal Information in accordance with the terms of this Policy and applicable law.

Roles and Responsibilities

CAO/Clerk

The Municipal CAO/Clerk shall be responsible for implementation, administration and evaluation of the Municipality's Video Surveillance Policy and Procedures.

The CAO/Clerk shall also be responsible for ensuring that information obtained through video surveillance is used exclusively for lawful purposes.

Facility Manager

The senior staff person responsible for each municipally owned or operated site with a video surveillance system (the "Facility Manager") shall ensure that the site complies with this policy, as well as any site-specific policies that may be required.

Only persons designated by the Facility Manager shall be permitted to operate the video surveillance system. In accordance with MFIPPA, these designated persons shall be informed of their obligations and responsibilities regarding the use and disclosure of information in accordance with this policy. Should such individuals breach these obligations they shall face disciplinary action.

Operators

Operators are individuals designated by the Facility Manager to monitor and operate video surveillance systems. Other duties of operators include, but are not limited to; ensuring equipment is functioning properly, ensuring records are not accessed by unauthorized persons and directing inquiries for information to the Facility Manager.

Signage

The Township shall ensure that the public is notified about the presence of video surveillance equipment by prominently posting signs at the perimeter of surveillance areas (minimum of two signs). Signs shall be of consistent size and format and convey the following information: indicate video surveillance in use; identify legal authority for collection of personal information (MFIPPA 28 (2)); and provide title, address and telephone number of contact person who can answer questions about the system.

Disclosure

The information and records recorded shall not be disclosed to any individual or organization except as permitted through MFIPPA or as required by other legislation.

Disposal

Old storage devices will be securely disposed of in a way that the personal information cannot be reconstructed or retrieved. They may include shredding, burning or magnetically erasing the personal information. Disposal of records will be recorded in writing. The Township of Edwardsburgh/Cardinal shall make all reasonable efforts to ensure the security of records while retained and to ensure their safe and secure disposal/erasure.

Location and Use of Equipment

Video Surveillance Cameras

The Township shall install video surveillance cameras in identified public areas only where video surveillance is a necessary and viable detection or deterrence activity. Only Township of Edwardsburgh/Cardinal properties shall be subject to surveillance. The Township may install visible and/or hidden surveillance cameras, but the Municipality shall not install equipment inside areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms).

Video Monitors

The Township shall ensure that video monitors are accessed only by authorized Municipal staff or authorized Contract Service Provider's staff, and are not located in a position that enables public viewing. The Township shall encourage monitors to be turned off except when needed to ensure the system is operating or to view the video recording devices.

Reception Equipment

The Township shall ensure that video reception equipment is located away from the public, in restricted access areas, preferably in locked rooms with keyed access.

Hours of Operation

The majority of the video surveillance systems shall operate 24 hours per day during the season the facility is open. Personal information shall be accessed only in response to an incident.

Normal Retention Period

Since short retention periods minimize risk of improper use and disclosure, the Municipality shall ensure that there is a standard retention period at all sites. Video recording shall be deleted in rotation within a thirty (30) day cycle.

Access to Recorded Information

Viewing Videos

The Township shall ensure that authorized staff (including Contracted Service Providers) shall review surveillance video only if they have reasonable cause to believe that a crime or an act of anti-social behavior has been or is in the process of being committed.

Access for Evidentiary Purpose

If staff has reason to believe that the video contains personal information for law enforcement or public safety purposes, they shall notify the police and immediately copy the video from the hard drive. The removed video shall be clearly marked to indicate its removal and secured in such a way that it cannot be recorded over. It shall remain stored in the locked box or cabinet until law enforcement representatives arrive to review and/or take custody of the video.

Police Requested Access

The Municipality shall ensure that if the police request access to and use of the recorded surveillance information that staff will allow the video(s) to be viewed, accessed or removed, in accordance with applicable law.

Personal Access to Information

The Municipality recognizes that an individual whose personal information has been collected by a video surveillance system has a right to access his or her personal information under MFIPPA. Persons requesting such personal information shall make the request in writing and submit it to the Township. The requests shall be in the format of a letter making reference to MFIPP A or by using the MFIPP A Access and Correction Form (Appendix 2). At the time of making the request, persons requesting access to information shall pay the prescribed fees (Appendix 3).

On receipt of requests, the CAO/Clerk shall process the request for information and respond to the requester as required pursuant to the legislation.



Appendix 1: Video Surveillance Policy

Storage Device Release Form

Record of Disclosure to Law Enforcement Agency

(Please Print)

Name of Law Enforcement Officer: _____

Badge Number: _____

Agency: _____

Description of Record Being Seized: _____

Authority to Seize Record:

Date Record Seized: _____

By signing below, the representative of the law enforcement agency certifies that the record(s) seized are required by the named law enforcement agency to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

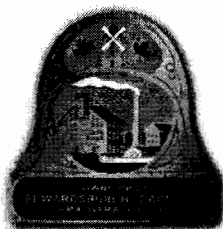
After Use Record Shall Be: *(check appropriate)*

Destroyed: ☐ Returned: ☐

Operator Releasing Record: _____ (Print Name)

Operator Signature: _____

Seizing Officer's Signature: _____



Appendix 2: Municipal Freedom of Information and Protection of Privacy (MFIPPA)

Access/Correction Form

Please Note:

- An access/correction request for information will be processed in accordance with the time limits set out in the *Municipal Freedom of Information and Protection of Privacy Act* and its regulations. The time limit to respond to your inquiry will begin from the date the request and the \$5.00 application fee are received.
- Photocopies of originals will be provided in responding to requests. On-site viewing of originals may be arranged if required.

PART A: To be completed in full by the Requester

- ☐ Access to General Records
☐ Access to Own Personal Information
☐ Correction of Own Personal Information

Directed to:

Township of Edwardsburgh/Cardinal
 18 Center St
 Spencerville, ON
 K0E1X0

If request is for access to, or correction of own personal information records, indicate if the last name appearing on records is ☐ same as below OR

Details

Last Name		First Name	Middle Name
Address		City or Town	Province
Postal Code	Telephone Number Day →	Telephone Number Evening →	

Detailed description of requested records, personal information records or correction of personal information:
 (If request is for correction of personal information, please indicate the desired correction and attach any supporting documentation)

Preferred method of access to records: <input type="checkbox"/> Receive Copy <input type="checkbox"/> Examine Original (on-site only)	Signature:	Date: Day Month Year
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PART B: For Office Use Only – Indicate Client Service Centre

<input type="checkbox"/> \$5.00 Application Fee Received	Date Application Fee Received: Day Month Year	Fee Received By Client Service Centre:
Comments:		Receipt #:

Personal information contained on this form is collected under section 17 of the *Municipal Freedom of Information and Protection of Privacy Act* and will be used to respond to your request.

Questions about this collection should be directed to the Township of Edwardsburgh/Cardinal, 18 Centre St, Spencerville Ontario, K0E1X0, 613-658-3055



Appendix 3: Summary of Fees for Information Requests Under the Municipal Freedom of Information and Protection of Privacy Act

Note: If you are requesting information about yourself, your request is considered a "personal information request". All other requests for information, whether about a person other than yourself, or about a government program or activity, are considered "general information requests".

Fee Charges for Requests for Personal Information

Application Fee: \$5.00 to be paid when you submit your request;
Photocopying: \$0.20 per page;
Computer Programming: \$15.00 per 15 minutes develop program to retrieve information;
Disks/CD: \$10.00 for each

Fee Charges for Requests for General Information

Application Fee: \$5.00 to be paid when you submit your request;
Search Time: \$7.50 per 15 minutes required to search and retrieve records;
Record Preparation: \$7.50 per 15 minutes required to prepare records for release;
Photocopying: \$0.20 per page;
Computer Programming: \$15.00 per 15 minutes to develop program to retrieve

You will be given a fee estimate if anticipated fees are \$25.00 or more. If the estimate of fees to be paid is \$100.00 or more, you may be required to pay a 50% deposit. Please note that the fee charges are prescribed by section 45 of the Municipal Freedom of information and Protection of Privacy Act and section 6 of the Regulations and Guidelines for Municipalities and Local Boards. All monies are payable by cash, debit, or certified cheque only.

Appendix 4: Facilities or areas of the Township subject to Video Surveillance

1. Cardinal Arena
2. Spencerville Arena
3. Johnstown Community Centre
4. Cardinal Water Treatment Plant
5. Port of Johnstown