



## Policy Manual – Buildings

### B.M.06 Video Electronic Surveillance - PROCEDURES

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#### PROCEDURES

##### How to Decide Whether to Use a Video Surveillance System

1. The installation of video surveillance cameras is subject to approval from the Director of Education.
2. Before implementing a video surveillance program, a school should be able to:
  - a) demonstrate a history of incidents occurring in the specific school;
  - b) demonstrate the physical circumstances of the school that permit ready access to unauthorized individuals as demonstrated by a history of intrusion by unauthorized individuals causing safety issues;
  - c) demonstrate whether a video surveillance program would be effective in dealing with or preventing future incidents of the type that have already occurred;
  - d) describe circumstances showing that it is necessary for the purposes of providing the safety of students and staff, or for the deterrence of destructive acts, such as vandalism; and,
  - e) provide justification for the use and extent of a video surveillance program on the basis of addressing specific and significant concerns about safety and/or the theft or destruction of property.
3. The administration will:
  - a) conduct an assessment into the effects that the surveillance system will have on personal privacy and the ways in which such adverse effects may be mitigated;
  - b) consult openly with parents, staff, students and the broader school community as to the necessity of the proposed video surveillance program and its acceptability to the school community; and,
  - c) ensure that the proposed design and operation of the video surveillance system minimizes privacy intrusion to that which is necessary to achieve appropriate goals through lawful activities.

## Designing, Installing and Maintaining Video Surveillance Equipment

1. Video surveillance systems will be installed in the following manner:
  - a) Principals/site managers will work with Plant Operations staff to install and operate video surveillance equipment. Video surveillance cameras will be installed and adjusted only by operators authorized by Plant Operations staff in consultation with the school principal/site manager.
  - b) The school board will ultimately authorize all camera locations.
  - c) Video devices should only be installed in identified areas where video surveillance is necessary as identified in the policy.
  - d) Monitoring will occur only in those spaces that have been identified as requiring video surveillance.
  - e) Cameras should not be directed to look through the windows of adjacent buildings, or onto adjacent property.
  - f) If cameras are adjustable by operators (i.e. panning or zooming), such practices should be restricted, if possible, so that operators cannot adjust or manipulate the cameras to overlook spaces that are not intended to be covered by the video surveillance program.
  - g) Video monitors should not be located in an area that allows for public viewing and should be in a strictly controlled access area.
  - h) Only controlling personnel, or those properly authorized in writing by those personnel according to the organization's policy, should have access to the controlled access area and the reception equipment.
  - i) Equipment should never monitor the inside of areas where students, staff and the public have a well understood expectation of privacy (e.g., change rooms and washroom stalls).
  - j) Students, staff and the public should be notified, using clearly written signs prominently displayed at the perimeter of the video surveillance area (Appendix A), of video surveillance equipment locations, so that each person has reasonable and adequate warning that surveillance is, or may be, in operation, as required under section 29(2) of the municipal Act (section 39(2) of the provincial Act), and that 24-hour surveillance is occurring.
  - k) Students shall be informed at the beginning of each year by the school Principal that the school is using video and other electronic surveillance equipment.
  - l) A strict maintenance program for video cameras, including image refocusing and lens cleaning through a service provider should occur annually to ensure that video cameras and recording equipment are operating properly, according to manufacturers' specifications. Any issues or concerns regarding the performance of such equipment should be followed up with immediately by plant operation staff.

## Procedures Governing the Use, Disclosure, Retention, Security and Disposal of Video Surveillance Records

The HWCDSB shall maintain control of, and responsibility for, the video surveillance system at all times. Any agreements between the board and service providers are under the board's control and are subject to the Acts listed above and other pertinent privacy legislation.

Board employees and service providers will have access to the personal information collected under the video surveillance program only where necessary in the performance of their duties, and where the access is necessary and proper in the discharge of the board's functions. Principals and site managers will determine which individuals may have access to the information collected.

The Acts (FIPPA and MFIPPA) give the HWCDSB the legal authority to collect personal information through video surveillance systems in order to ensure student/staff safety or to deter, detect, or assist in the investigation of criminal activity. Questions regarding the records collected, compliance, and privacy obligations under the Acts, should be directed to the office of the Director of Education of the HWCDSB.

Any information obtained through video surveillance systems may only be used for the purposes set out in the policy and must relate to the protection of students, staff and the public, including the discipline or consequences that arise from that, or it must assist in the detection and deterrence of criminal activity and vandalism. Information should not be retained or used for purposes other than those described in the policy.

- a) Video surveillance should not be used for monitoring staff performance;
- b) All tapes or other storage devices that are not in use should be stored securely in a locked receptacle located in a controlled-access area. Each storage device that has been used should be dated and labelled with a unique, sequential number or other verifiable symbol;
- c) Access to the storage devices should be limited to the school principal/site manager and a designated alternate;
- d) Circumstances that warrant a review should be limited to instances where a serious incident has been reported /observed or to investigate a potential crime;
- e) Logs should be kept of all instances of access to, and use of, recorded material, to provide for a proper audit trail;
- f) Where real-time viewing of the monitors takes place, the authority to view the monitors may only be delegated by the principal/site manager to a limited number of individuals;
- g) Employees of service providers should sign written agreements regarding their duties under the policy and under the Acts, including an undertaking of confidentiality;
- h) Inadvertent disclosures of personal information must be reported to the Director's office immediately; and,
- i) Senior administration and Principals are responsible for advising staff at each school of the need to comply with the Acts and this responsibility may be addressed through on-line training programs each year.

A video recording or other electronic surveillance products may be used by the board

- as evidence in any legal or disciplinary action; and,
- for inquiries and proceedings related to law enforcement.

Any exception to the above statement, such as for a time-limited specific investigation into criminal conduct by a law enforcement agency, must be authorized by the Director of Education, and only on the grounds that covert surveillance is essential to the success of the investigation and the need outweighs the privacy interests of the persons likely to be observed.

When recorded information has been viewed for the purpose of protecting student safety or to deter, detect, or assist in the investigation of criminal activity, Section 5 of Ontario Regulation 823 under the municipal Act (section 5(1) of Ontario Regulation 460 under the provincial Act) requires that personal information that has been used must be retained for one year.

Schools and board administrative buildings must store and retain storage devices required for evidentiary purposes until the law enforcement authorities request them. An entry in a logbook should be completed before any storage device is disclosed to the appropriate authorities. The log entry should indicate who took the device, under what authority, when this occurred and if it will be returned or destroyed after use.

Where an incident raises the prospect of a legal claim against the board, a copy of the surveillance will be sent to the Board's insurers.

Review of the recorded information may be limited to the school principal and a designated alternate (such as the vice-principal). Circumstances that warrant a review should be limited to instances where a serious incident has been reported/observed or to investigate a potential crime.

Recorded information that has not been viewed or used for the purpose of protecting student/staff safety or to deter, detect, or assist in the investigation of criminal activity should be routinely erased after a period not exceeding one month.

Old storage devices must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include overwriting electronic records, shredding, burning or magnetically erasing the personal information.

## Access to Personal Information

The parent or guardian of a student (or the student if the student is 19 years of age or older) may view a segment of videotape or other storage media pertaining to that student.

The viewing must be conducted in the presence of the school principal or approved designate.

Notwithstanding the above, viewing of the surveillance may be refused or limited where viewing would be (a) an unreasonable invasion of a third party's personal privacy, (b) give rise to the safety of the third party's personal privacy, or (c) be protected from disclosure under the laws of Canada, laws of Ontario or by Court order.

Any individual whose personal information has been recorded by a video surveillance system has a general right of access to his or her personal information under section 36 of the Municipal Act (section 47 of the provincial Act). Access may be granted to one's own personal information in whole or in part, unless an exemption applies under section 38 of the Municipal Act (section 49 of the provincial Act). The Director of Education may refuse access to an individual where disclosure would constitute an unjustified invasion of another individual's privacy as contained in subsection 38(b) of the Municipal Act. As such, access to an individual's own personal information in these circumstances may depend upon whether any exempt information can be reasonably severed from the record. One way in which this may be achieved is through digitally "blacking out" the images of other individuals whose images appear on the videotapes.

The use and security of video surveillance equipment may be audited by the Board at any time.

Employees and service providers shall review and comply with this policy and the Acts in performing any duties and functions that are related to the operation of the video surveillance program. Employees will be subject to discipline for knowingly or deliberately breaching this policy or the provisions of the Acts or other relevant statutes. In cases where a service provider fails to comply with this policy or the provisions of the Acts, it will be considered to be breach of contract leading to penalties up to and including contract termination.

INFORMATION ELEMENTS OF A SIGN

ATTENTION

VIDEO SURVEILLANCE IN USE

This facility is monitored by 24-hour video surveillance.

Security cameras are in operation for the safety of the students, staff, school community, and for the protection of Hamilton-Wentworth Catholic

District School Board property. Information is collected under the authority of the Education Act in compliance with MFIPPA. For additional information please contact the Principal/Manager of this site or contact the

HWCDSB,

90 Mulberry St., Hamilton at 905-525-2930.