

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 18 - 2021

Being a By-law to utilize video surveillance as necessary

WHEREAS the Council of The Corporation of the Township of Wollaston deems it desirable to pass a By-law to utilize a video surveillance policy;

AND WHEREAS the Municipal Act, 2001, S.O. 2001 c. 25, as amended provides that a lower tier municipality may pass by-laws respecting matters within spheres of jurisdiction described in the Municipal Act, 2001, and subject to certain provisions as outlined in the Municipal Act, 2001;

AND WHEREAS the Corporation of the Township of Wollaston is authorized to conduct video surveillance under Section 28(2) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or Section 38(2) of the Freedom of Information and Protection of Privacy Act (FIPPA), as applicable.

AND THEREFORE, the Council of the Corporation of the Township of Wollaston enacts as follows:

1. The Video Surveillance Policy attached hereto as Schedule "A" shall form part of this By-law.
2. If any section or sections of this By-law or part thereof, is found in any court of law to be illegal or beyond the power of the Township to enact, such section or sections or part thereof shall be deemed to be severable and all other section or parts of the By-law shall be deemed to be separate and independent thereof and to be enacted as such.
3. This By-law shall come into force and take effect immediately upon the passing thereof.

PASSED this 08th day of March 2021.

MAYOR: LYNN KRUGER

SEAL

CLERK: BERNICE CROCKER

SCHEDULE “A”

VIDEO SURVEILLANCE POLICY

1. Purpose

- (a) It is the policy of the Township of Wollaston to utilize video surveillance as necessary in accordance with this Corporate Policy.
- (b) Video security surveillance systems are an intended resource to be used by the Township at selected sites within the management jurisdiction of the Township of Wollaston for the purpose of increasing the safety and security of residents, tenants, staff, and members of the public, to protect public safety, our corporate assets and property and to detect and deter criminal activity.
- (c) The Township 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 provision of MFIPPA and FIPPA, as applicable, and any other applicable privacy laws.
- (d) This Policy does not require or guarantee that a camera or recording equipment will be recording or monitored in real time at all times.
- (e) All Township of Wollaston employees involved in the operation of this video surveillance program will be trained on this Policy and their statutory obligations in performing their duties and functions related to the operation of the video surveillance system.
- (f) Employees may be subject to discipline if they breach this Policy or applicable privacy laws.

2. Collection, Use and Disclosure

“Personal Information” as collected by the Township of Wollaston 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, and 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 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 (Schedule B) 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.

3. Protecting your Personal Information

- (a) Personal information collected by the Township of Wollaston 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.

4. Access

- (a) The personal information recorded by video surveillance is subject to freedom of information and privacy laws. You have the right to access the personal information we hold relating to you, including on video recordings. You may request access by contacting the Clerk Administrative or his/her designate at the address below. Requests for access may be denied in certain circumstances as set out in MFIPPA or FIPPA, including where disclosure would interfere with a law enforcement matter or investigation or unjustifiably invade another person's privacy.

Clerk Administrator
Township of Wollaston
90 Wollaston Lake Road
COE HILL, ON K0L 1P0

Retention

- (a) 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.
- (b) Personal information that has not been viewed for law enforcement or public safety purposes should be erased 90 days after recording. 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 MFIPPA unless a shorter retention period is specified by law).

5. Disposal

- (a) Old Storage devices will be securely disposed of in a way that 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 on Schedule "C".

6. Breach

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

7. Training

- (a) This policy and any related processes or guidelines must be incorporated into training and orientation programs at the Township. Training programs addressing staff obligations under the relevant legislation shall be conducted, as necessary.

- (b) Township 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.
- (c) Township staff that violate this policy or applicable privacy laws may be subject to discipline.

8. Designated Responsibilities

- (a) The Township of Wollaston will maintain control of, and responsibility for, the video surveillance system on its premises at all times.
- (b) The Clerk Administrator is responsible for compliance with applicable privacy laws of this policy.
- (c) Township Managers and Supervisors identified in Schedule D are responsible for ensuring the establishment of procedures for video surveillance equipment, in accordance with this policy and any legal requirements.
- (d) These individuals are 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:
 - (i) Documenting the reason for implementation of a video surveillance system at the designated area.
 - (ii) Maintaining a policy regarding the locations of the reception equipment.
 - (iii) Maintaining a list of personnel who are authorized to operate systems and access any recordings, including the circumstances under which access is permitted. Logs must be kept of any access to such recordings.
 - (iv) Maintaining a record of the times when video surveillance will be in effect.
 - (v) 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.

9. Installation and Placement

- (a) When using video surveillance equipment, the Township will comply with the following:
 - (i) 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.
 - (ii) Privacy intrusion should be minimized to that which is absolutely necessary to achieve required, lawful goals.
 - (iii) Equipment to monitor video surveillance will be installed in a strictly controlled access area. Only personnel authorized under this Policy may have access to the controlled access area and the equipment. Monitors showing personal information captured by the video

surveillance equipment will not be located in a way that enables the public to view it.

- (iv) 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 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 not owned by the Township.

10. Service Providers

- (a) The Township of Wollaston will ensure that any agreements between the Township and its service providers state that records under video surveillance program remain under the Township's control and subject to applicable privacy laws.
- (b) Violation of this policy or applicable privacy laws by service providers will be considered a breach of contract.
- (c) Agreements with service providers should ensure that employees of service providers sign written confidentiality agreements, including complying with this policy and applicable privacy laws in respect of personal information collected under the video surveillance program. Refer to Schedule E for a sample clause that can be inserted into contractors or agreements with third party service providers.

11. Audit of Surveillance Policy and Practices

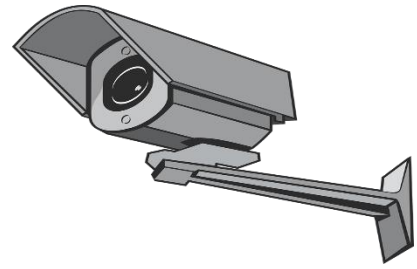
- (a) The Township of Wollaston will ensure that the use and security of its video surveillance program and equipment is subject to regular audits, at least once a year, to address compliance with this policy and applicable laws. The audit will also include a review of whether ongoing video surveillance is justified based on the requirements set out in this policy. Any deficiencies or concerns identified by the audit will be addressed immediately.
- (b) Township staff and service providers will be made aware that their activities are subject to the audit and that they may be called upon to justify their surveillance.
- (c) Any questions or concerns related to the Township's handling of personal information collected through video surveillance can be directed to:

Clerk Administrator
Township of Wollaston
90 Wollaston Lake Road
COE HILL, ON K0L 1P0
613-337-5731

12. Notification

- (a) The public will 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 will 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 in order to answer questions about its personal information management practices. A sample notification follows.

ATTENTION



This Area May be Monitored By Video Surveillance Cameras (CCTV)

The personal information collected by the use of CCTV at this site is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act or the Freedom of Information and Protection of Privacy Act, as applicable. This information is used for the purposes of promoting public safety and reducing crime at this site.

Any persons who tamper with or destroy video surveillance equipment will be **subject to criminal proceedings.**

Any questions about this collection can be directed to Clerk Administrator, Township of Wollaston at 613-337-5731, 90 Wollaston Lake Road, COE HILL, ON.

SCHEDULE D:

The following is a list of Township of Wollaston Managers and Supervisors who may have access or authorize access to and are responsible for ensuring the establishment of procedures for video surveillance equipment.

| Location | Manager/Supervisor Responsible |
|---|--|
| Municipal Grounds at 90 Wollaston Lake Road | Security |
| | Clerk Administrator |
| | Treasurer |
| | Office Assistant |
| | Information Technology Manager and Supervisors |
| | Maintenance Manager |
| | |

SCHEDULE E: Sample Contract Clause

The following sample clause can be inserted into contracts or agreements with third party service providers.

While on Township of Wollaston property, visitors, guests, and service providers may be recorded by video surveillance equipment installed throughout the premise. The personal information recorded by such equipment is the property of the Township of Wollaston and will be collected, stored, and destroyed in accordance with all appropriate provincial and federal laws and in accordance with the Township's Video Surveillance Policy.