

Corporate Policy

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Section:	Administration	01
Sub-Section:	Freedom of Information and Protection of Privacy	0580
Title:	Video Surveillance	2023-01

Related Policies

Number	Title
01-0580-2016-01	Privacy
01-0580-2016-02	Privacy Breach

Approvals

Approval Date: November 28, 2023	Resolution #: <u>RC23/275 (Consent)</u>
Amended:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:

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Video Surveillance

Policy

The City of Port Moody is subject to the *Freedom of Information and Protection of Privacy Act* and, as such, is committed to ensuring the protection of privacy through responsible personal information management practices including the use of video surveillance technology in the City of Port Moody.

The City recognizes that video surveillance has a high potential to impact individual privacy and does not wish to impair personal privacy any more than is warranted to achieve its reasonable and necessary objectives.

The City will ensure that its collection of personal information by way of video surveillance is in compliance with the provisions of the *Act*. The City will also ensure that the access, use, disclosure, storage and retention of personal information collected through video surveillance is in accordance with the *Act*.

The purpose of this policy is to establish guidelines for the City's use of video surveillance within its boundaries, as well as requirements regarding the access, use, disclosure, storage, and retention of any video footage it collects.

Scope

The City may use video surveillance at City owned or occupied locations for one or more of the following purposes, which it considers to be authorized by ss. 26(b) and (c) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 (the "*Act*"):

- a) To ensure the protection of individuals, assets and property;
- b) To improve public safety; and
- c) To assist in the prevention and investigation of vandalism, graffiti, theft, injury to property, and public mischief

This policy applies to all cameras and video surveillance systems installed and operated by the City of Port Moody, including traffic management cameras (i.e., intersection cameras and vehicle detection cameras).

This policy does not apply to:

- video surveillance equipment installed and/or operated by the Port Moody Police Department (PMPD), the Royal Canadian Mounted Police (RCMP), or any provincial law enforcement agency;
- red-light cameras installed by the Insurance Corporation of British Columbia (ICBC), and/or the Provincial Government; and
- webcasts of Council meetings.

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Definitions

“Act” means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended from time to time.

“Personal Information” means recorded information about an identifiable individual, and includes such things as an individual’s name, address, birth date, personal contact information, financial information, and image, as well as opinions and statements made about the individual.

“Privacy Impact Assessment” (“PIA”) means an assessment conducted to determine if a proposed video surveillance system meets the requirements of the *Act*. For the purposes of this Policy, the PIA will largely be in the format attached to this Policy as Appendix “A”.

“Responsible Department” means the department that is requesting a video surveillance system and is using the video surveillance system.

“Staff” means all employees, independent contractors, service providers, and volunteers employed or engaged by the City.

“Video Surveillance” means any mechanical, electronic, or digital system or device that:
a) facilitates continuous or periodic closed-circuit television or video recording, observing, or monitoring of individuals, assets and/or property, and public facilities and locations within the community; and b) is intended to be mounted or affixed to a structure, fixture, or vehicle. For greater clarity, Video Surveillance system does not include cell phones with video capability, hand-held video recorders, video conferencing systems, or webcasting equipment for Council meetings.

General Responsibilities

The Corporate Officer or their designate have been designated as the Head of the City for the purpose of the *Act*, and has the authority to exercise all powers, duties, and functions of the Head in relation to video surveillance systems deployed by the City.

Procedures

Prior to the installation of any new video surveillance system, the City will ensure the proposed benefits outweigh the privacy impacts on those who will be observed. The City will also consider whether there are reasonable alternative means for achieving the objectives of each video surveillance system.

Privacy Impact Assessment

A Privacy Impact Assessment for Video Surveillance Initiatives (Schedule A) must be completed by the project initiator/manager and approved by: the Corporate Officer or their designate, the Manager of Information Services, and the General Manager of Community Services or their designate. The Privacy Officer will confirm the City’s legal authority to undertake the initiative.

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Video Surveillance Equipment Location and Notification

Depending on the purpose of Video Surveillance and whenever possible, the equipment must be positioned in such a way as to minimize the recording of unnecessary information. Video Surveillance equipment will not be placed in areas where the public has a heightened expectation of privacy, such as washrooms and changerooms.

Notification of the use of Video Surveillance must be clearly posted in places conspicuous to any individual lawfully entering an area where they either are or can be recorded. The notification is intended to provide the individual with the option of not entering the area under Video Surveillance to avoid being recorded if they so wish.

Notification must be provided in the form of signage from the Communications and Engagement Division and must include the following information required under the *Act*: notification that an individual is about to enter an area where Video Surveillance is in use, the purpose and legal authority for the collection of Personal Information, and contact information (title, business address and business telephone number) of a Staff position that can answer any questions about the collection of Personal Information.

Collection, Use, and Disclosure of Recorded Information

The collection, use, and disclosure of information recorded by Video Surveillance equipment must be compliant with the *Act*.

Only the Corporate Officer or the delegate may authorize disclosure of information recorded by a CCTV system. In order to enable a proper audit trail, logs must be kept of any such instance of disclosure.

The information recorded by video surveillance systems is subject to the *Act*. Access requests that are not compliant with the *Act* and/or this Policy, must be forwarded to the Privacy Officer, Legislative Services.

Unauthorized access to, use, or disclosure of personal information from a video surveillance system is a breach of this policy and the Privacy Policy.

Security of Recorded Information and Real-time Video Footage

Only authorized City employees or service providers may access or operate video surveillance equipment. Recorded information and real-time video footage from video surveillance equipment must be accessible only by authorized personnel and only in circumstances where access is reasonably necessary for the performance of that individual's duties.

All video surveillance equipment must be secured in a way that prevents unauthorized access, such as in a locked room or storage cabinet, and accessible only as necessary to the following authorized personnel:

- the Manager of Information Services and authorized Information Services Staff; and
- the Manager in charge of the Facility or their designate, if applicable.

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For video surveillance equipment where the recorded information is self-contained (i.e. stored on the camera itself or on a removable storage device inserted into the camera), the equipment must be physically secured in a way that prevents unauthorized access to the equipment and recordings.

For video surveillance equipment where recordings are stored in a digital, cloud-based repository, access to the recorded information must be secured by password or other methods of access control which prevents unauthorized access.

Authorized personnel should access the video surveillance equipment only as reasonably necessary to operate or maintain the equipment or to view or retrieve information captured by the equipment when necessary. If, in the opinion of authorized personnel, any recorded information includes evidence of unlawful activity, a copy of that video recording may be provided to a Peace Officer.

Contractor Responsibilities

Contractors and service providers who may be required to view real-time video footage or information recorded by a video surveillance system as part of their contracted services for the City will be required to complete the City's Privacy Protection Schedule prior to beginning the work.

Logs and Audits

The Responsible Department must maintain a log for the operation of their specific video surveillance system, showing the dates and times of operation, the location and field of view of the cameras, and the position titles of those that have access to the information.

For each video surveillance system that collects or may collect personal information, the log must also record all viewings of video surveillance system recordings, the start and end locations viewed in the recording, the date and time of viewing, the identities of all individuals who have viewed the recording, and the purpose for viewing the recording.

Audits of systems that collect personal information will be conducted by internal audit on a regular basis in order to confirm compliance with the *Act* and adherence to this policy and the associated procedures. Those using a video surveillance system must be made aware that each system is subject to random auditing and that they may be called upon to justify the method and details of use of the system.

Freedom of Information and Protection of Privacy

Requests for access to video recordings by persons other than a Peace Officer or those identified as authorized personnel in this policy shall be processed as formal FOI/Privacy requests pursuant to the *Act*.

Access to video recordings by Peace Officers shall only be as authorized by the *Act* for the purposes of law enforcement and shall be clearly documented.

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Retention of Personal Information

If the City intends to use an individual's personal information contained in a record to make a decision that directly affects the individual, the City will ensure the record containing the personal information is retained for at least one (1) year after being used so the affected individual has a reasonable opportunity to obtain access to that personal information.

Monitoring/Authority

This policy is to be administered and monitored by the Legislative Services Division. Changes to this policy require approval from Council. The Legislative Services Division is responsible for making this Policy visible and accessible on the City's website and making electronic copies available to all Staff and Council Members in easily accessible locations, including the City's intranet.

Privacy Impact Assessment For Video Surveillance Initiatives

Background Information

According to British Columbia's Privacy Commissioner "[v]isual or audio recordings of an individual are a record of that individual's personal information. Where a surveillance system records personal information, the public body collecting that record must comply" with the *Freedom of Information and Protection of Privacy Act*. For more information, please see the following resources:

[OIPC Public Sector Surveillance Guidelines](#)

[OIPC Guidance Document \(October 2017\)](#)

This form is intended to satisfy the Privacy Impact Assessment (PIA) requirement for new initiatives involving the use of video surveillance.

Please refer to the City's Administrative Policy on Video Surveillance for information on public notification requirements and procedures for accessing recorded information.

General Information and Contact Information

Project Title	"[Click here to type program title]"
Name, Title	"[Click here to type Name and title]"
Department/Division	"[Click here to type Department and Division]"
Phone Number	"[Click here to type phone number]"
E-Mail	"[Click here to type email]"

Note: This should be the individual who has been assigned as the project lead and who can answer questions about the project.

Privacy Assessment Questions

1. Where do you want to install cameras?

Example: City Works Yard.

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2. What is your timeline for the installation of cameras?

Example: Week of August 24, 2015.

[Click **here** to type content]

3. Why are the cameras being installed?

Example: to monitor public assets/protect public property.

[Click **here** to type content]

4. Please provide details of prior incidents which led up to the request for camera installation.

Example: PMPD File # xxxxxx, January 7, 2023 – theft from employee car in staff parking lot Bylaw File # xxxxxx, November 10, 2022 – repeated unauthorized public tree removal.

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5. Please provide details of other measures that have been implemented to prevent behaviour (prior to the request for cameras)?

Example: Motion detector lights installed on outside of all buildings over two years ago; increased patrols around the building during closed hours.

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6. What type of cameras do you want to install? (make, model) Can they pan and zoom?

[Click **here** to type content]

7. Will the cameras record:

(Respond “**Yes**” to all that apply)

- Physical appearance of members of the public or staff at the proposed location:

- Physical appearance of members of the public off-site and captured incidentally (i.e., on streets, sidewalks, in the background, etc.): _____
- Information of on-site vehicles (colour, make, model): _____
- Information of off-site vehicles (colour, make, model): _____
- Licence plate numbers: _____
- Date and time: _____

8. Will the cameras record footage? If yes, will images be recorded over or kept indefinitely? Please note that screenshots of video footage are also considered records that must be treated the same as recorded camera footage.

Example: Cameras will record but footage will only be kept for about 7 days until the data is overwritten.

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9. Will the footage be viewed in real-time? If yes, where will the monitors be located and who has access to the monitors?

Example: Monitors will be located in office #400 in City Hall in a secured area with restricted staff access. Only authorized staff within this area have access to the monitors.

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10. If the cameras will record, where will the footage be stored? Please note that screenshots of video footage are also considered records that must be treated the same as recorded camera footage.

Example: Footage will be stored on the City's servers located on-site. Screenshots will be temporarily stored on the City's servers/department drive.

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11. Who will have access to view the footage and what measures are in place to prevent the footage from being inappropriately accessed?

Example: The program used to access the footage requires a unique log-in for every user. Only the following people have log ins: XXXX,XXXX ,XXXXX. Footage is stored on the City's Servers and access to the City's servers is limited to only the following individuals XXXX,XXXX ,XXXXX. These individuals have a unique log-in and their activity can be determined if an event occurs.

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12. How will the information collected be used?

Examples: The recorded information will only be accessed to investigate unauthorized access and identify the responsible party.

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13. What measures will be in place to prevent the footage from being inappropriately used?

Example: Policy or Procedure XYZ – states that footage may only be used for the purpose it was originally collected.

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14. What measures will be in place to the footage from being inappropriately disclosed?

Example: Policy or Procedure XYZ – states footage needed for an investigation is downloaded and saved in a secure (internal) location until retention on that record has expired. Footage is never downloaded and released to the public other than through a formal FOI request. PMPD access to footage must be compliant with the s. 33(3)(d) of the Act (for law enforcement purposes only) and requires the documentation of a file number and Officer's name at minimum.

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15. Please attach a map or project plan detailing:

- Where the cameras will be located.
- What area the cameras record (i.e., their field of view).
- Where warning signage is located (please work with Communications to obtain the required signage).

Signatures

Project Manager

Date

General Manager

Date

Privacy Officer
Legislative Services

Date

Please return the completed form and attachments to the attention of the Privacy Officer, Legislative Services – 1st Floor, City Hall or send by email to FOI@portmoody.ca.